

MICHAEL T. McCAUL
10TH DISTRICT, TEXAS

COMMITTEE ON
HOMELAND SECURITY
**RANKING MEMBER, SUBCOMMITTEE ON
EMERGING THREATS, CYBERSECURITY,
SCIENCE, AND TECHNOLOGY**

COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

COMMITTEE ON FOREIGN AFFAIRS

COMMITTEE ON SCIENCE AND TECHNOLOGY

REPUBLICAN POLICY COMMITTEE

ASSISTANT REPUBLICAN WHIP

AH-07-000-4505

Congress of the United States
House of Representatives
Washington, DC 20515-4310

WASHINGTON OFFICE
131 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2401

AUSTIN OFFICE
903 SAN JACINTO, SUITE 320
AUSTIN, TX 78701
(512) 473-2357

BRENNHAM OFFICE
2000 SOUTH MARKET, SUITE 303
BRENNHAM, TX 77833
(979) 830-8497

KATY OFFICE
1550 FOXLAKE, SUITE 120
HOUSTON, TX 77084
(281) 398-1247

TOMBALL OFFICE
TOMBALL ROSEWOOD PROFESSIONAL BUILDING
990 VILLAGE SQUARE, SUITE B
TOMBALL, TX 77375
(281) 255-8372

March 9, 2007

The Honorable Stephen L. Johnson
Administrator
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue NW
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Johnson:

We are writing to urge you to utilize Fiscal Year 2007 appropriations provided to the Environmental Protection Agency (EPA) to continue to fund rural water associations' grassroots technical assistance initiatives currently operating across the country.

The Joint Funding Resolution, H.J.RES 20, passed the House on January 31, 2007 and will soon be considered by the Senate. As you know, this resolution did not identify any earmarks, including the Rural Water Training and Technical Assistance and Groundwater Protection. This authorized initiative has been operating for 20 years, providing small communities with limited technical and financial resources the tools they need to protect their drinking water quality and to comply with federal mandates.

It is imperative that the EPA continue to fund this high priority initiative in Fiscal Year 2007 through the Environmental Programs Management account in order to ensure that our small rural communities' access to these critical services is not disrupted. All of our small and rural communities want to comply and provide safe water; however, they need assistance as to how to comply with EPA rules - in a manner their community can afford and understand.

As you consider funding EPA allocations using the appropriations in the Joint Resolution, we urge you to include funding for rural water initiatives at a level that allows all the local field staff to continue in rural areas and small towns. Thank you for your timely consideration of this request.

Sincerely,

Michael T. McCaul

Michael T. McCaul
Member of Congress

MTM:sw



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 30 2007

OFFICE OF
WATER

The Honorable Michael T. McCaul
U. S. House of Representatives
Washington, DC 20515

Dear Congressman McCaul:

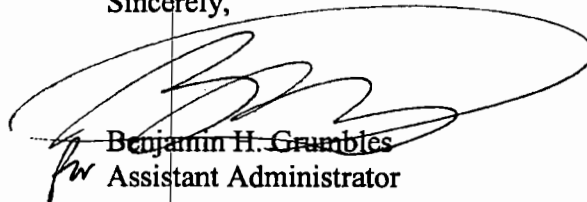
Thank you for your letter of March 9, 2007, to Stephen L. Johnson, Administrator of the Environmental Protection Agency (EPA), expressing your support for provision of funding to the National Rural Water Association (NRWA) from discretionary money that may be available to the Agency in the final Fiscal Year 2007 budget. I have been asked to respond to your letter on behalf of the Administrator. EPA agrees with you that it is critical to provide training and technical assistance to small drinking water systems to ensure that they are able to comply with standards under the Safe Drinking Water Act.

As you know, the NRWA receives financial assistance through Congressionally-directed funding in EPA's appropriations bills. EPA has included funding in its Fiscal Year 2007 operating plan for a rural water competitive grant program to provide training and technical support for small drinking water systems.

I want to assure you that EPA will also continue to support small systems through our other activities. The Agency supports training and develops targeted tools to help support small system implementation of regulatory requirements. States can also use funding from their Drinking Water State Revolving Fund (DWSRF) grants to support small systems. In addition to the \$14 million expended in FY 2006 for technical assistance to small systems, states also expended an additional \$38 million for other set-aside activities that primarily benefit small systems.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Steven Kinberg, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-5037.

Sincerely,

A handwritten signature in black ink, which appears to read "Benjamin H. Grumbles", is written over a horizontal line. Below the signature, the name "Benjamin H. Grumbles" is printed, followed by the title "Assistant Administrator".

Benjamin H. Grumbles
Assistant Administrator

AK-09-000-9537

Congress of the United States

Washington, DC 20515

June 19, 2009

Via Email and Fax (202-566-1741)

Environmental Protection Agency
EPA Docket Center, Mailcode 61027
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Request for Extension of Comment Period and Additional Public Hearing --
Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under
Section 202(a) of the Clean Air Act
Docket EPA-HQ-OAR-2009-0171

Dear Administrator Jackson:

We respectfully request that the Environmental Protection Agency extend, by 60 days, the comment period for EPA's Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act ("Proposed Endangerment Findings"), 74 Fed. Reg. 18886 (April 24, 2009).

The recently issued Proposed Endangerment Findings sets the stage for significant new regulation of Texas families, farmers and workers. A 60-day comment period is wholly inadequate to review the thousands of pages of the EPA's proposed findings and technical support documentation, and to develop comments substantiated with technical data. Even if certain scientific data upon which EPA relies has been previously released in the public domain, given the complexity and scope of the EPA proposed findings—including the potential regulatory and economic impacts, it is crucial that adequate time be provided to ensure that states, stakeholders and the public can prepare and submit comments. Ultimately, the regulation could impact over 24.3 million people in the state of Texas who use carbon related energy every day, which is why we believe additional time must be given to allow state environmental regulators, affected parties and the public to review the proposed new findings.

Texas boasts a healthy economy dependent upon the continued growth of manufacturing, energy-related industries, and farming and ranching, all of which could be impacted by this regulation. Much of what the state produces is exported and consumed daily across the United States—keeping our nation running. For example, Texas refines more than one quarter of the nation's gasoline; produces twenty-five percent of the country's natural gas supply; accounts for

roughly sixty percent of the chemicals manufactured in the United States; and farmers and ranchers have made Texas a leading agriculture state in the nation with over 247,000 farms statewide. We also have more Fortune 500 companies than any other state in the nation. The proposed findings and the potential future regulation of greenhouse gases is a matter of great importance to our state.

We also respectfully request that EPA hold at least one additional hearing in Houston, TX because any future regulation of greenhouse gases will directly impact the State of Texas and its citizens.

Texas is a global leader in the energy industry with much of the activity centered in the Greater Houston area. In particular, the regulation could have significant impact on the Texas energy industry which employs approximately 375,000 workers in the state with over \$35 billion in total wages in 2006. The EPA has held only two public hearings on the Proposed Endangerment Findings; one in Virginia, and one in Washington State. Neither the Midwest nor the South is represented in either of these hearings. We believe it is important to hold additional hearings because of the disparate impacts greenhouse gas regulations could have on different regions of the country.

Thank you for your consideration of these requests. We look forward to your response.

Sincerely,

Ray Bailey

Joe Barten

Robert M. Hall

Gene Johnson

Pete Olson

Steve Sessions

Sam Johnson

John Callahan

Jim M. M.

Don Paul

John H. Henshaw

John Corry

Henry L. Wells

W. J. Dyer

W. J. Dyer

James Smith

Mr. Thacker

Randy News

John O. Oates

Ken B. B.

W. J. M. M.

W. J. M. M.

Cliff Edwards

List of signatures:

Senator Kay Bailey Hutchison

Rep. Joe Barton

Rep. Ralph Hall

Rep. Louie Gohmert

Rep. Pete Olson

Rep. Pete Sessions

Rep. Sam Johnson

Rep. John Culberson

Rep. Ted Poe

Rep. Ron Paul

Rep. Jeb Hensarling

Rep. Mike Conaway

Senator John Cornyn

Rep. Henry Cuellar

Rep. Michael C. Burgess

Rep. Kay Granger

Rep. Lamar Smith

Rep. Mac Thornberry

Rep. Randy Neugebauer

Rep. John R. Carter

Rep. Kevin Brady

Rep. Kenny Marchant

Rep. Michael T. McCaul

Rep. Chet Edwards



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 10 2009

OFFICE OF
AIR AND RADIATION

The Honorable Michael T. McCaul
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McCaul:

Thank you for your letter dated June 19, 2009 to Administrator Jackson, co-signed by 23 of your colleagues, in which you requested a 60-day extension of the comment period for *EPA's Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases* beyond the deadline of June 23, 2009. You based your request on the extensive rulemaking record for the proposal and concern for the business community. The Administrator asked that I respond on her behalf.

I would like to reiterate what Administrator Jackson stated on April 17, the day she signed and formally proposed these findings. The proposal was developed in response to the Supreme Court decision in which the Court found that greenhouse gases are air pollutants under the Clean Air Act.

EPA's proposed findings are based on rigorous, peer-reviewed scientific analyses of six gases that have been the subject of intensive analysis by scientists in the United States and around the world. However, the proposed findings do not include any proposed regulations.

I assure you that EPA will conduct an appropriate process and consider stakeholder input as it evaluates regulatory programs to reduce greenhouse gases. Furthermore, Administrator Jackson has repeatedly indicated her preference for comprehensive legislation to address this issue and create the framework for a clean energy economy.

EPA recognizes that the proposed findings and the associated Technical Support Document, like any proposed rulemaking, take time to review. However, a very large part of the supporting information and analyses for the proposed findings was previously released on July 11, 2008, as part of the *Advance Notice of Proposed Rulemaking: Regulating Greenhouse Gas Emissions under the Clean Air Act*. As a result, a large majority of the information and analyses supporting the proposed findings has been in the public domain for almost one year. Furthermore, in proposing the findings, the Administrator relied heavily upon the major conclusions from recent assessments by the U.S. Climate Change Science Program and the Intergovernmental Panel on Climate Change, which incorporated public review processes and have been publicly available for some time now.

EPA recognizes the importance of this proposed action for Members of Congress and the public. However, EPA decided not to extend the formal comment period beyond June 23, 2009, as noted in the response to a similar request from Congressman Darrell Issa signed by Administrator Jackson on June 17, 2009 and posted to the rulemaking docket EPA-HQ-OAR-2009-0171 and EPA's website on June 18, 2009 (<http://www.epa.gov/climatechange/endangerment.html>). EPA believes that the 60-day comment period provided adequate opportunity to review and comment on the proposed findings.

We have noted your request that an additional public hearing be held in Houston, Texas; however, the Agency will not be holding additional public hearings on the proposed findings. Two public hearings have already been held, one in Arlington, Virginia, on May 18, 2009, and one in Seattle, Washington, on May 21, 2009. In addition, as noted in the Federal Register notice, written statements and supporting information submitted during the comment period will be considered with the same weight as any information presented at the public hearings. Furthermore, we will continue to consider comments received after the close of the comment period, to the extent practicable.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Cheryl Mackay, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a stylized, flowing script.

Gina McCarthy
Assistant Administrator

AL-09-001-19450

MICHAEL T. McCAUL

10TH DISTRICT, TEXAS

COMMITTEE ON
HOME AND SECURITY

RANKING MEMBER, SUBCOMMITTEE ON
INTELLIGENCE, INFORMATION SHARING,
AND TERRORISM RISK ASSESSMENT

COMMITTEE ON FOREIGN AFFAIRS

COMMITTEE ON SCIENCE AND TECHNOLOGY

REPUBLICAN POLICY COMMITTEE

ASSISTANT REPUBLICAN WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-4310

September 24, 2009

WASHINGTON OFFICE
131 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2401

AUSTIN OFFICE
5529 BALCONES DRIVE, SUITE 300
AUSTIN, TX 78721
(512) 473-2357

BRENNHAM OFFICE
2000 SOUTH MARKET, SUITE 300
BRENNHAM, TX 77833
(379) 830-8497

KATY OFFICE
1550 FOXLAKE, SUITE 120
HOUSTON, TX 77084
(281) 388-1247

TOMBALL OFFICE
TOMBALL ROSEWOOD PROFESSIONAL BUILDING
390 VILLAGE SQUARE, SUITE B
TOMBALL, TX 77375
(281) 255-2372

SENT VIA FACISIMILE: 202/501-1519

Ms. Joyce Frank
Acting Associate Administrator for
Congressional and Intergovernmental
EPA
1200 Pennsylvania Avenue, Room 3426 ARN
Washington, DC 20460

RE: (b) (6)
[REDACTED]
Austin, Texas 78756

Dear Ms. Frank:

I am writing on behalf of my constituent, (b) (6), regarding his request for assistance with your office.

Enclosed please find a Privacy Authorization Form and other documentation provided by my constituent. I would appreciate if you would provide me with whatever information you may feel may help address my constituent's concerns. Please direct your response to my 2000 South Market Street, Suite 303, Brenham, Texas 77833.

If you have any questions or concerns, you may contact Marita Mikeska at 979/830-8497. I am grateful for any assistance you are able to provide in the matter, and I look forward to hearing from you in the near future.

Sincerely,

Michael T. McCaul
Michael T. McCaul
Member of Congress

MTM:mkm
Enclosures

<http://www.house.gov/mcraul>
PRINTED ON RECYCLED PAPER



Congressman Michael McCaul

Privacy Authorization Form

Name: (b) (6) E-mail: (b) (6)

Street Address: (b) (6)

City: Austin State: Texas Zip Code: 78756

Home Phone: (b) (6) Work Phone: (b) (6)

Social Security No.: (b) (6) Date of Birth: (b) (6)

Federal Agency: EPA Claim Number: _____

Please tell us about your situation or difficulty. Include details regarding the current status and any corrective measures you have taken to resolve this matter.

Environmental Damage to housing subdivision
in Las Vegas, Nevada @ 1710 Seneca Lane.
Look up State of Nevada Environmental Protection
Sites click on "Maryland Square PCE" site.
Please let me know what options are available
to include corrective actions, compensation due to
damages to include potential wrongful death of
mother in January 2007.

(Use additional sheets as necessary)

In accordance with the Privacy Act of 1974, I hereby authorize Congressman Michael McCaul, or a member of his staff, to inquire with the appropriate federal agencies relative to the situation stated above.

(b) (6) (b) (6)
 Signature

23 September 2009
 Date

Please return this form and documentation to the district office listed below:

☒ 5929 Balcones, Suite 305
 Austin, TX 78731
 Phone: (512) 473-2357
 Fax: (512) 473-0514

☐ Rosewood Professional Building
 990 Village Square, Suite B
 Tomball, TX 77375
 Phone: (281) 255-8372
 Fax: (281) 255-0034

☐ 2000 S. Market St., Suite 303
 Brenham, TX 77833
 Phone: (979) 830-8497
 Fax: (979) 830-1984

Note: When submitting the Privacy Authorization form, please provide copies of any documentation you may have pertaining to your issue.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

October 13, 2009

The Honorable Michael T. McCaul
U.S. House of Representatives
Attention: Marita Mikeska
2000 S. Market St., Suite 303
Brenham, TX 77833

Dear Congressman McCaul:

Thank you for your letter of September 24, 2008, on behalf of your constituent, Mr. (b) (6), regarding concerns he has of potential environmental damage at a residence located in Las Vegas, Nevada near the Maryland Square PCE Site. Your letter was directed to the EPA Region IX office for a response

Following receipt of your letter, our Superfund Division's Site Assessment Office checked our database records to determine whether the EPA Region IX office had any previous involvement at the Maryland Square PCE Site. Our records indicate that the Maryland Square PCE Site is a Nevada Division of Environmental Protection (NDEP) state-lead site and that the EPA Region IX office has no regulatory involvement with past or ongoing actions at this site.

In the privacy authorization form signed by Mr. (b) (6) that accompanied your letter, he makes a request to let him know what options are available to him regarding corrective actions and compensation due to damages. EPA has no involvement with the Maryland Square PCE site and EPA is not able to provide advice to Mr. (b) (6) on seeking corrective action or compensation. We understand that Mr. (b) (6) has been in contact with NDEP staff, and we recommend that he contact them again if he desires more details on site contamination or cleanup.

NDEP has a webpage that provides information and links to a number of documents related to the discovery and subsequent investigation and past and ongoing cleanup activities of a hazardous substance tetrachloroethylene (PCE) release from the former Al Phillips Cleaners in the Maryland Square Shopping Center located at 3661 S. Maryland Parkway in Las Vegas Nevada. We are providing a link to information on the Maryland Square PCE Site that is posted on NDEP's website:
http://ndep.nv.gov/pce/maryland_square.htm

Should you or someone on your staff wish to follow up directly with NDEP to discuss cleanup activities at this site in more detail, please contact Jim Najima, Chief, Bureau of Corrective Actions who can be contacted at 775.687.9484 or via e-mail at jnajima@ndep.nv.gov.

If our office can be of further assistance, please contact our Congressional Liaison, Brent Maier, at (415) 947-4256.

Sincerely,

For 

Debbie Schechter, Chief
Brownfields and Site Assessment

AK-10-000-9280

MICHAEL T. McCAUL

10TH DISTRICT, TEXAS

COMMITTEE ON
HOMELAND SECURITY

RANKING MEMBER, SUBCOMMITTEE ON
INTELLIGENCE, INFORMATION SHARING,
AND TERRORISM RISK ASSESSMENT

COMMITTEE ON FOREIGN AFFAIRS

COMMITTEE ON SCIENCE AND TECHNOLOGY

REPUBLICAN POLICY COMMITTEE

ASSISTANT REPUBLICAN WHIP

COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

Congress of the United States
House of Representatives

Washington, DC 20515-4310

WASHINGTON OFFICE
131 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2401

AUSTIN OFFICE:
5929 BALCONES DRIVE, SUITE 305
AUSTIN, TX 78731
(512) 473-2357

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2000 SOUTH MARKET, SUITE 303
BRENNHAM, TX 77833
(879) 630-8497

KATY OFFICE
1550 FOXLAKE, SUITE 120
HOUSTON, TX 77081
(281) 296-1247

TOMBALL OFFICE
TOMBALL ROSEWOOD PROFESSIONAL BUILDING
990 VILLAGE SQUARE, SUITE B
TOMBALL, TX 77375
(281) 255-6372

June 7, 2010

SENT VIA FACSIMILE: (202) 501-1519

EPA Congressional
and Intergovernmental Relations
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, DC 20460

RE: (b) (6), (b) (6)

Dear EPA Congressional and Intergovernmental Relations:

I am writing on behalf of my constituent, Ms. (b) (6), regarding her request for assistance with your office.

Enclosed please find a Privacy Authorization Form and other documentation provided by my constituent. I would appreciate if you would provide me with whatever information you may feel may help address my constituent's concerns. Please direct your response to my Austin office at 5929 Balcones Drive, Ste. 305, Austin, TX 78731.

If you have any questions or concerns, you may contact Kris Parker at (512) 473-2357 or kris.parker@mail.house.gov. I am grateful for any assistance you are able to provide in the matter, and I look forward to hearing from you in the near future.

Sincerely,



Michael T. McCaul
Member of Congress

MTM:kp

Enclosures



Congressman Michael McCaul

Privacy Authorization Form

RECEIVED
MAY 24 2010

Name: (b) (6) E-mail: (b) (6)
 Street Address: (b) (6)
 City: Cypress State: TX Zip Code: 77429
 Home Phone: (b) (6) Work Phone: _____
 Social Security No.: (b) (6) Date of Birth: (b) (6)
 Federal Agency: EPA Claim Number: _____

Please tell us about your situation or difficulty. Include details regarding the current status and any corrective measures you have taken to resolve this matter.

1. What ARE the guidelines FOR BUILDING HOMES ON ABANDONED SEWAGE TREATMENT site? THERE HAS BEEN A PARK ALSO BUILT.
2. What ARE the chemical tolerances in soil BENEATH home?

property in question: (b) (6)
 OWNED BY (b) (6) / Cypress, TX

property location: (b) (6) / SAN ANTONIO, TX
 (Use additional sheets as necessary) intersection 90 & 410 loop

In accordance with the Privacy Act of 1974, I hereby authorize Congressman Michael McCaul, or a member of his staff, to inquire with the appropriate federal agencies relative to the situation stated above.

(b) (6)

05/17/2010
 Date

Please return this form and documentation to the district office listed below:

- | | | |
|---|--|---|
| <input type="checkbox"/> 5929 Balcones, Suite 305
Austin, TX 78731
Phone: (512) 473-2357
Fax: (512) 473-0514 | <input checked="" type="checkbox"/> Rosewood Professional Building
990 Village Square, Suite B
Tomball, TX 77375
Phone: (281) 255-8372
Fax: (281) 255-0034 | <input type="checkbox"/> 2000 S. Market St., Suite 303
Brenham, TX 77833
Phone: (979) 830-8497
Fax: (979) 830-1984 |
|---|--|---|

Note: When submitting the Privacy Authorization form, please provide copies of any documentation you may have pertaining to your issue.

ANNED**2001- 0058373**

AFTER RECORDING, RETURN TO:

R. A. STATZER
 REAL ESTATE ASSET MGMT. DIVISION
 SAN ANTONIO WATER SYSTEM
 P. O. BOX 2449
 SAN ANTONIO, TEXAS 78298-2449
 (210) 704-7189

Parcel: SAWS-R-E-7401
 Project: Release of 20-Foot
 Sanitary Sewer, NCB 15133
 172.9 acres (southwest corner
 Loop 410 & Highway 90 West)

RELEASE OF EASEMENT

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF BEXAR §

WHEREAS, by instrument recorded in Volume 3981, Page 305, of the Deed and Plat Records of Bexar County, Texas, dedicated to the City of San Antonio by and through the San Antonio Water System said sanitary sewer easement for the construction, operation and maintenance of sanitary sewer lines in and upon the following property described as 172.9 acre tract in New City Block 15133, San Antonio, Bexar County, Texas, and;

WHEREAS, THE SAN ANTONIO WATER SYSTEM has abandoned said sewer line and desires to release all of the twenty feet (20') sanitary sewer easement unto WESTSIDE LAND PARTNERS, LTD., a Texas limited partnership;

NOW THEREFORE, in consideration for the premises herein, the SAN ANTONIO WATER SYSTEM, acting by and through, Robert A. Statzer, Right-of-Way Manager does hereby release any right, title and interest to the sewer easement located in New City Block 15133, in City of San Antonio, Bexar County, Texas, said area released being more specifically described on Exhibit A.

The said easement over and upon the above described property is hereby released; SAVE AND EXCEPT, however, that the San Antonio Water System hereby retains any and all other easements granted to the City of San Antonio, in or upon the described property either by instrument, platting or otherwise, not specifically released hereby.

EXECUTED this 9th day of April, 2001.

SAN ANTONIO WATER SYSTEM

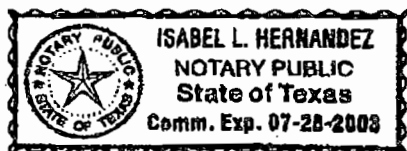
BY: 

Robert A. Statzer
 Right-of-Way Manager

VOL 08824 PG 00599

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on April 9, 2001 by Robert A. Statzer, Right-of-Way Manager, of the SAN ANTONIO WATER SYSTEM, an agency of the City of San Antonio, a Texas municipal corporation, on behalf on said corporation.



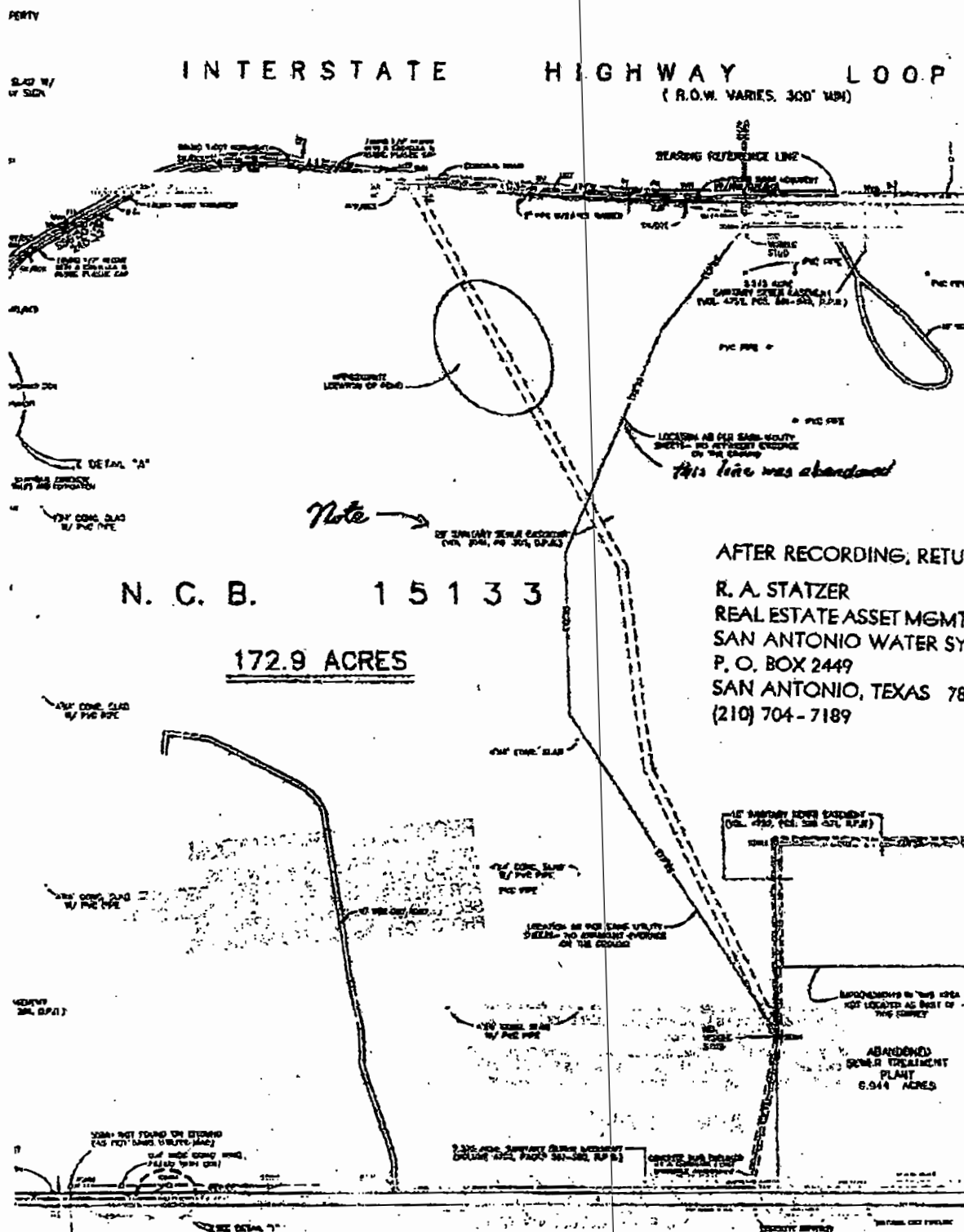

Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

R. A. STATZER
REAL ESTATE ASSET MGMT. DIVISION
SAN ANTONIO WATER SYSTEM
P. O. BOX 2449
SAN ANTONIO, TEXAS 78298-2449
(210) 704-7189

VOL. 08824 PG 00600

Exhibit A



VAL 08824 PG 00501

JUN-07-2010 10:54 From:

RECORDER'S MEMORANDUM

AT THE TIME OF RECORDATION, THIS INSTRUMENT WAS FOUND TO BE INADEQUATE FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO COPY, DISCOLORED PAPER, ETC.

Any provision herein which purports to take effect at the expiration of the term of the instrument is hereby null and void. The instrument was recorded on the date and at the time indicated herein by me and was duly recorded in the Official Public Record of Real Property of Bexar County, Texas on

APR 10 2001

Betty Rodriguez
COUNTY CLERK BEXAR COUNTY, TEXAS

Filed for Record in:
BEXAR COUNTY, TX
BERRY RICKHOFF, COUNTY CLERK

On Apr 10 2001
At 9:13am

Receipt #: 426715
Recording: 7.00
Doc/Mgt: 6.00
Doc/Num: 2001-0058373
Deputy - Betty Rodriguez

VIL 08829 PG 000002

P.878

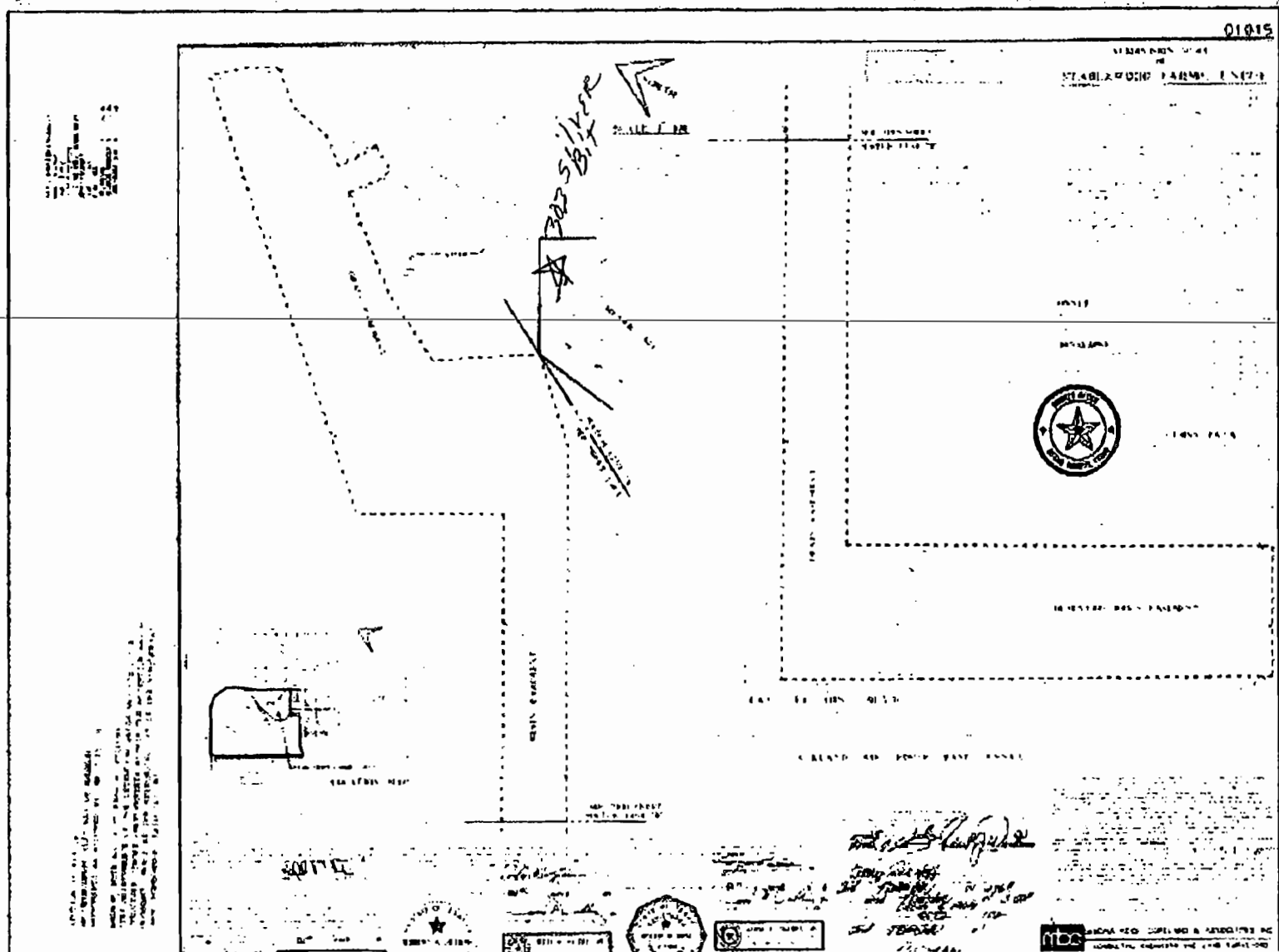
To:202 S01 1519

JUN-07-2010 10:54 From:

Page (of 1): 1

Fit Window 36%

Version 4.77





U.S. Representative Michael McCaul
10th District of Texas

5929 Balcones Drive, Suite 305
Austin, TX 78731
(512) 473-2357

FAX COVER SHEET

FAX: (512) 473-0514

DATE: 6/7, 2010
TO: EPA Congressional Relations
FAX #: (202) 501-1519
SUBJECT: Congressional inquiry - (b) (6) [REDACTED]
PAGES: 8 including cover sheet

FROM:

- ☐ Michael T. McCaul, U.S. Representative
- ☐ Kara Mayfield, District Director
- ☒ Kris Parker, Deputy District Director
- ☐ Mike Rosen, Communications Director
- ☐ Cassie Holman, Field Director
- ☐ Thomas Brown, Manager of Constituent Outreach
- ☐ Lauren Hayes, Manager of District Projects
- ☐ Troy Wakefield, Staff Assistant
- ☐ Rachel Nicholson, Staff Assistant
- ☐ _____, Other

If there are any problems with the transmission of this fax, please contact:
The District Office of Congressman Michael T. McCaul
(512) 473-2357

COMMENTS:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 1 2010

The Honorable Michael T. McCaul
Member, U.S. House of Representatives
5929 Balcones Drive, Suite 305
Austin, Texas 78731

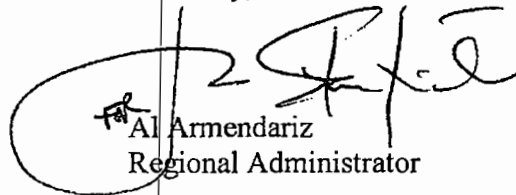
Dear Congressman McCaul:

Thank you for your letter dated June 7, 2010, to the U.S. Environmental Protection Agency's (EPA) Congressional and Intergovernmental Relations office about the concerns of your constituent, Ms. (b) (6), regarding the safety of building homes and parks above an abandoned sewer line in San Antonio, Texas. Your letter was referred to me for response because San Antonio is in the jurisdiction of EPA Region 6.

EPA has no authority over land use decisions related to development on properties with abandoned sewer treatment plants or sewer lines. However, in an effort to address Ms. (b) (6) concerns, we contacted a number of local and state officials. Based on our investigation, we recommend Ms. (b) (6) contact Mr. Bryan Sierant with the Texas Commission on Environmental Quality Municipal Permits Team who can advise her about her concerns. He may be reached at (512) 239-1375.

I hope this is helpful in addressing your constituent's concerns. If you have any further questions, please contact me at (214) 665-2100, or your staff may contact Ms. Cynthia Fanning of my staff at (214) 665-2142.

Sincerely,


Al Armendariz
Regional Administrator

cc: Mr. Bryan Sierant
Municipal Permits Team, Texas Commission on Environmental Quality

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Ah-10-001-2986



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

July 29, 2010

TIM HOLDEN

17TH DISTRICT, PENNSYLVANIA

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WASHINGTON, DC 20515-3817
(202) 225-5546

The Honorable Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Hazardous and Solid Waste Management System; Identification and Listing of
Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities;
Docket ID No. EPA-HQ-RCRA-2009-0640

Dear Administrator Jackson:

Thank you for the opportunity to comment on the above referenced proposed rule, published in the *Federal Register* on Monday, June 21, 2010. As you evaluate the development of federal regulations for coal combustion residuals produced by power plants that supply approximately half of the nation's electricity needs, also known as coal combustion byproducts (CCB), we urge you to craft an approach that protects public health and the environment without unnecessarily burdening the economy and jeopardizing important manufacturing and other related jobs.

We strongly recommend that EPA resist calls to regulate CCB as a listed waste under the hazardous waste authorities of subtitle C of the Resource Conservation and Recovery Act (RCRA). A hazardous waste approach represents the most extreme and burdensome regulatory option available to EPA under federal law, is wholly unnecessary, and inconsistent with past Agency decisions. Instead, we urge EPA to develop non-hazardous waste controls for CCB under subtitle D of RCRA for the disposal of CCB in surface impoundments and landfills, consistent with its 2000 Regulatory Determination.

Decades of work by EPA under both Democratic and Republican administrations implementing the Bevill Amendment to RCRA have consistently affirmed – in two Reports to Congress and two related Final Regulatory Determinations – that regulating CCB under RCRA subtitle C is *not* necessary to protect public health and the environment. In fact, EPA found that such regulation would be environmentally counter-productive because the stigma and related liability concerns of regulating CCB under RCRA's hazardous waste program would understandably have an adverse impact on the important objective of increasing CCB beneficial use.

EPA recently reaffirmed its conclusion that subtitle D controls are protective for the disposal of CCB as evidenced by its decision that management of the CCB from the

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Kingston TVA spill in a subtitle D landfill would be fully protective of human health and the environment. EPA readily acknowledges in the pending CCB proposal that subtitle D non-hazardous waste controls for CCB will provide an equivalent level of protection for CCB disposal units as would hazardous waste controls under RCRA subtitle C.

There also is little question that the subtitle C option would have an adverse impact on jobs creation at a time when the nation is still attempting to recover from one of the worst recessions in our history and millions of people remain out of work. We simply cannot condone a regulatory option that harms rather than helps in the creation of new jobs, but unfortunately that is precisely what the subtitle C option would do.

We have heard from many companies in the still emerging CCB beneficial use markets that are seeing jobs lost from the mere suggestion of regulating CCB under RCRA's hazardous waste program. State departments of transportation have cautioned that the subtitle C option would put further restrictions on the important use of CCB in highway and other infrastructure projects. This could have an adverse impact on employment as available alternatives to CCB use in highway projects are considerably more expensive and would reduce the number of projects that could be covered by federal and state funds.

State environmental protection agencies have uniformly warned EPA that regulating CCB under RCRA's hazardous waste regime would immediately more than double the volume of wastes subject to hazardous waste controls, overwhelming the state budgets and employee resources needed to administer these new regulations. These economic burdens on the states will cause even more financial stress on already stretched state budgets, further accelerating the cuts in state jobs.

We are also concerned that the increased compliance costs under the subtitle C option will translate into increased energy rates for millions of American consumers, which will unnecessarily inhibit consumer spending and further burden our collective goal of an economic recovery.

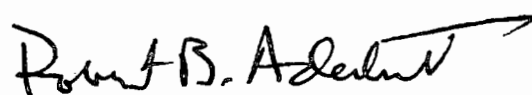
In short, there is simply no basis to pursue the subtitle C option for CCB with its attendant adverse impacts on jobs creation and economic recovery, when an equally protective and more cost-effective alternative is available for CCB under RCRA's subtitle D non-hazardous waste program. We therefore strongly encourage EPA to pursue the subtitle D option in the final CCB rule.

Thank you for your attention to this important matter.

Sincerely,



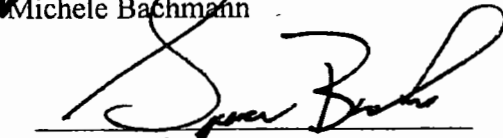
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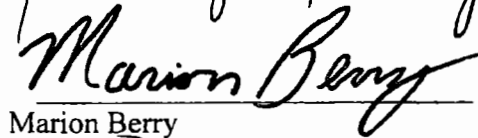

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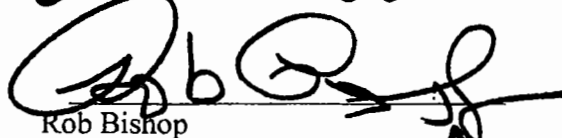

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Joe Barton


Shelley Berkley

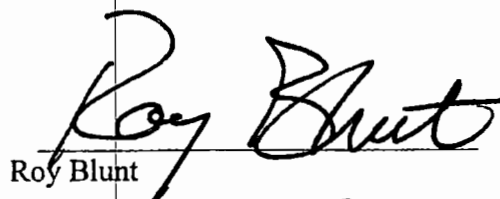

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Judy Biggert

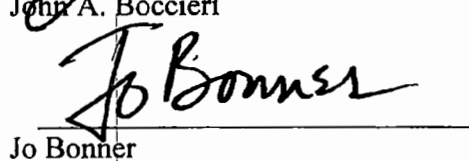

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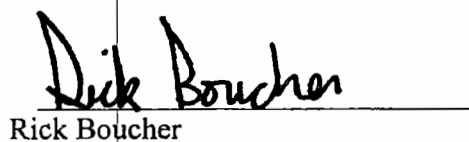

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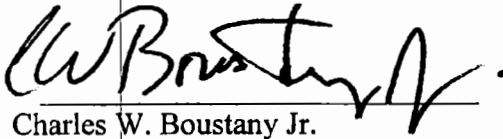

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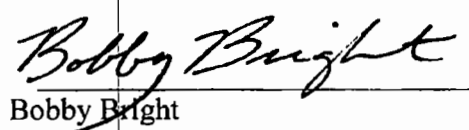

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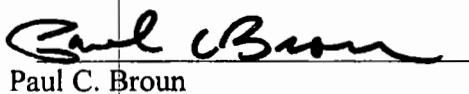

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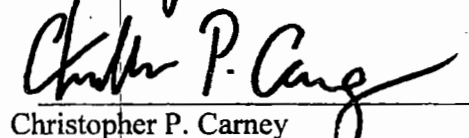

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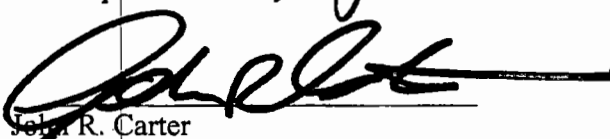

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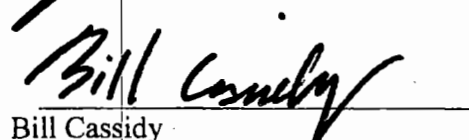

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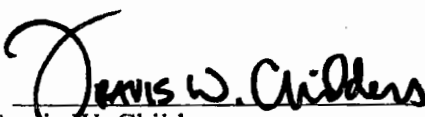

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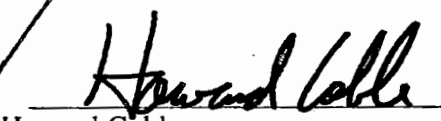

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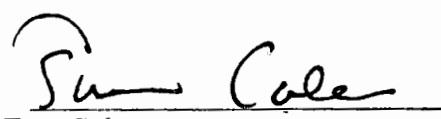

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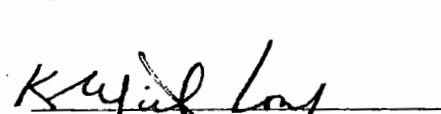

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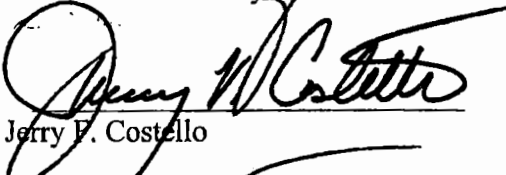

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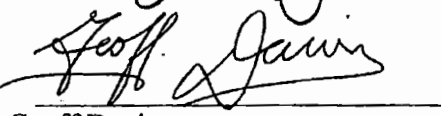

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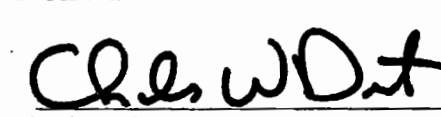

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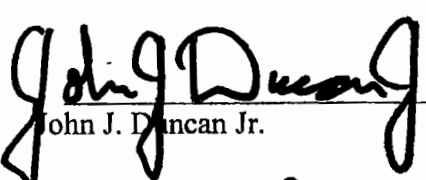

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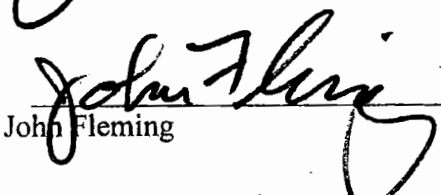

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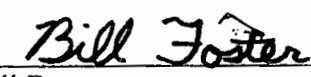

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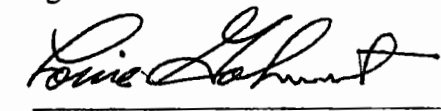

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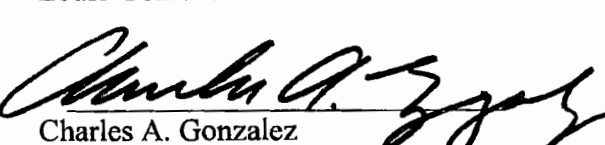

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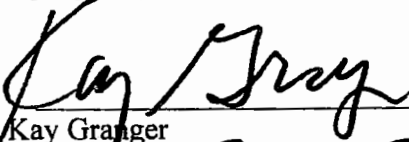

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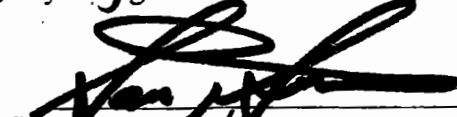

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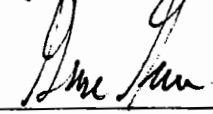

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Charles A. Gonzalez


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Kay Granger


Sam Graves


Gene Green

Brett Guthrie

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Ralph M. Hall

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Deborah L. Halvorson

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Gregg Harper

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Steve King

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Steven C. LaTourette

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Robert E. Latta

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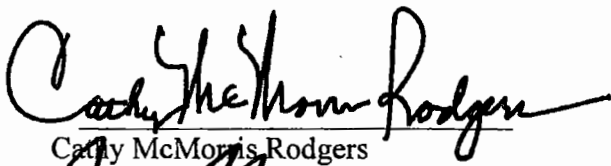
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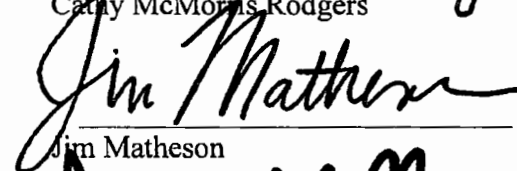
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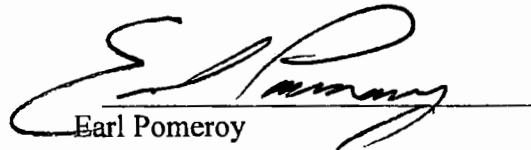
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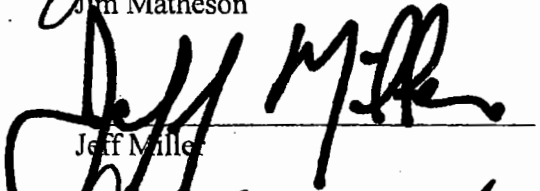
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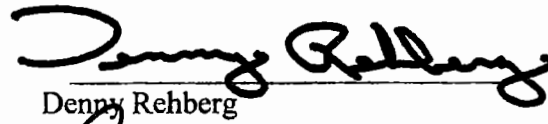

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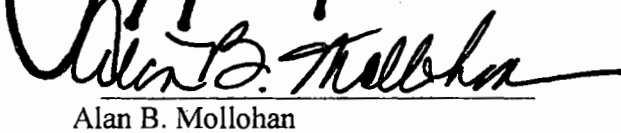

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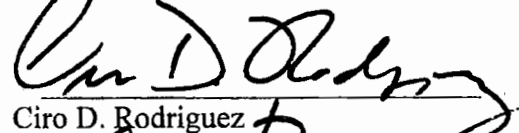

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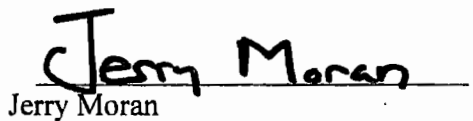

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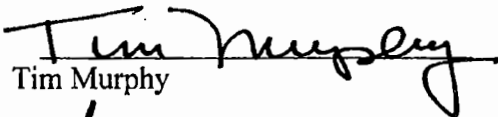

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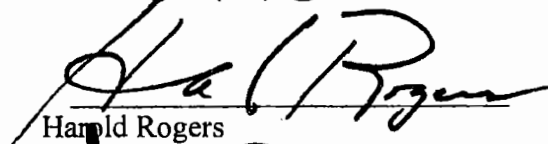

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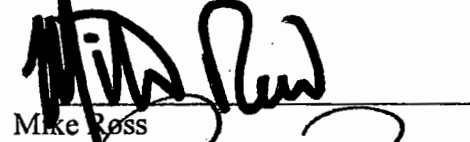

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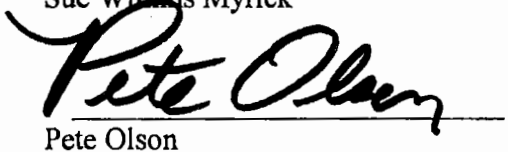

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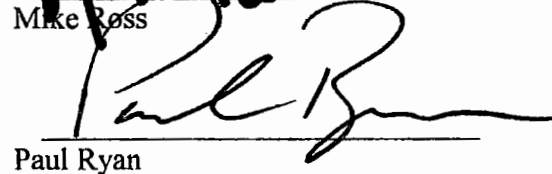

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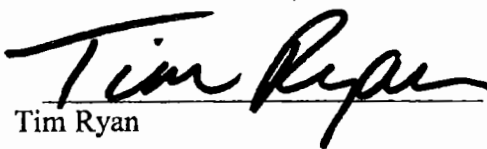

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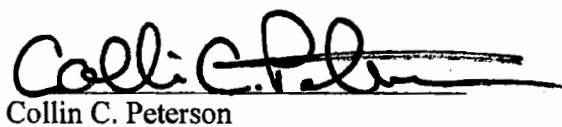

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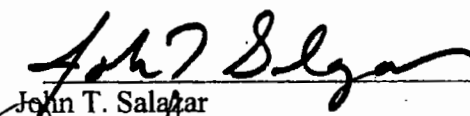

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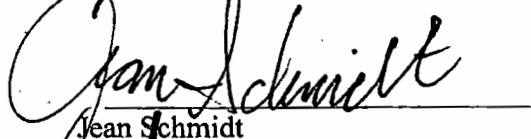

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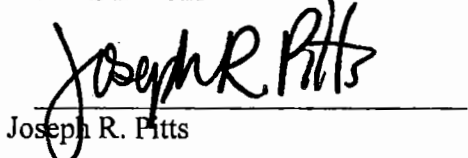

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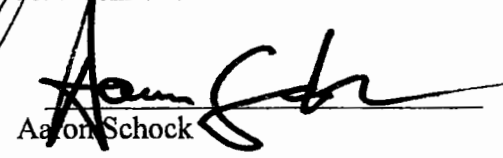

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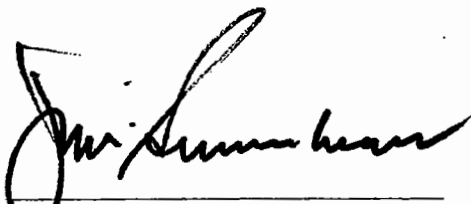

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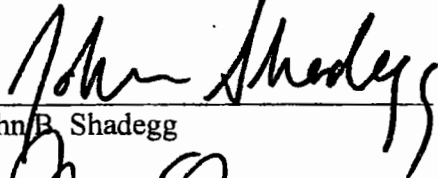

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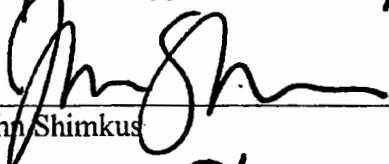

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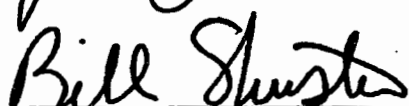
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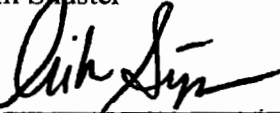
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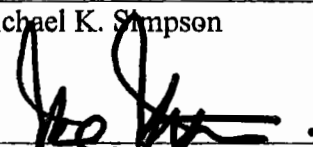
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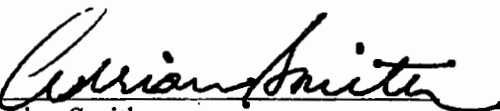
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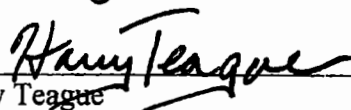
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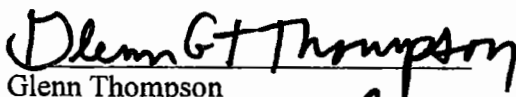
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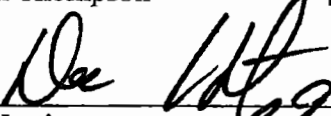
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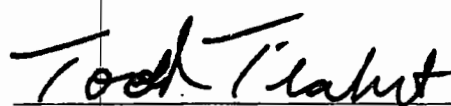
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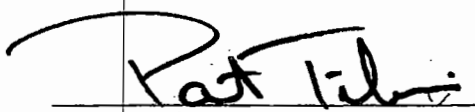
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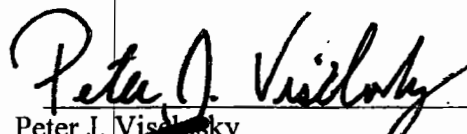
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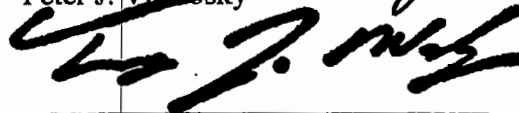
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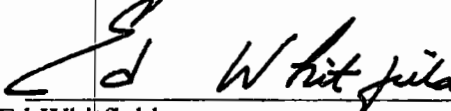
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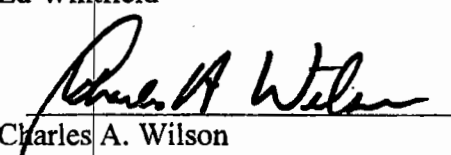
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Lynn A. Westmoreland



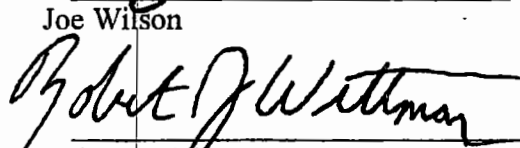
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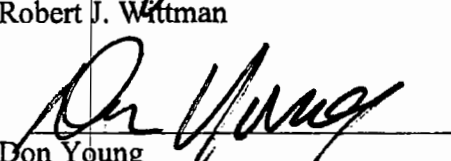
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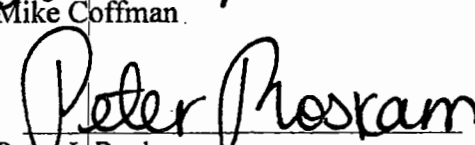
Robert J. Wittman



Don Young



Mike Coffman



Peter J. Roskam



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 1 2010

The Honorable Michael T. McCaul
U.S. House of Representatives
Washington, D.C. 20515

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SOLID WASTE AND
EMERGENCY RESPONSE

Dear Congressman McCaul:

Thank you for your letter of July 29, 2010 to U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson, expressing your interest in EPA's proposed rulemaking governing the management of coal combustion residuals (CCRs) and the potential adverse impacts associated with a possible re-classification of CCRs as a hazardous waste. I appreciate your interest in these important issues.

In the proposed rule, EPA seeks public comment on two approaches available under the Resource Conservation and Recovery Act (RCRA). One option is drawn from remedies available under Subtitle C, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The other option includes remedies under Subtitle D, which gives EPA authority to set performance standards for waste management facilities which are narrower in scope and would be enforced primarily by those states who adopt their own coal ash management programs and by private citizen suits. EPA estimated the potential impact of the proposed rule on electricity prices assuming that 100% of the costs of the rule would be passed through to coal-fired electric utility customers. EPA estimated a potential increase of 0.015 cents per kilowatt-hour under the Subtitle D option to 0.070 cents per kilowatt-hour under the Subtitle C option in potential average electricity prices charged by coal-fired electric utility plants on a nationwide basis.

EPA is not proposing to regulate the beneficial use of CCRs. EPA continues to strongly support the safe and protective beneficial use of CCRs. However, EPA has identified concerns with some uses of CCRs in an unencapsulated form, in the event proper practices are not employed. The Agency is soliciting comment and information on these types of uses.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive, flowing style.

Mathy Stanislaus
Assistant Administrator

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AL-10-001-2986



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

July 29, 2010

TIM HOLDEN

17TH DISTRICT, PENNSYLVANIA

www.holden.house.gov

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WASHINGTON, DC 20515-3817
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The Honorable Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Hazardous and Solid Waste Management System; Identification and Listing of
Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities;
Docket ID No. EPA-HQ-RCRA-2009-0640

Dear Administrator Jackson:

Thank you for the opportunity to comment on the above referenced proposed rule, published in the *Federal Register* on Monday, June 21, 2010. As you evaluate the development of federal regulations for coal combustion residuals produced by power plants that supply approximately half of the nation's electricity needs, also known as coal combustion byproducts (CCB), we urge you to craft an approach that protects public health and the environment without unnecessarily burdening the economy and jeopardizing important manufacturing and other related jobs.

We strongly recommend that EPA resist calls to regulate CCB as a listed waste under the hazardous waste authorities of subtitle C of the Resource Conservation and Recovery Act (RCRA). A hazardous waste approach represents the most extreme and burdensome regulatory option available to EPA under federal law, is wholly unnecessary, and inconsistent with past Agency decisions. Instead, we urge EPA to develop non-hazardous waste controls for CCB under subtitle D of RCRA for the disposal of CCB in surface impoundments and landfills, consistent with its 2000 Regulatory Determination.

Decades of work by EPA under both Democratic and Republican administrations implementing the Bevill Amendment to RCRA have consistently affirmed – in two Reports to Congress and two related Final Regulatory Determinations – that regulating CCB under RCRA subtitle C is *not* necessary to protect public health and the environment. In fact, EPA found that such regulation would be environmentally counter-productive because the stigma and related liability concerns of regulating CCB under RCRA's hazardous waste program would understandably have an adverse impact on the important objective of increasing CCB beneficial use.

EPA recently reaffirmed its conclusion that subtitle D controls are protective for the disposal of CCB as evidenced by its decision that management of the CCB from the

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TEMPLE, PA 19560
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Kingston TVA spill in a subtitle D landfill would be fully protective of human health and the environment. EPA readily acknowledges in the pending CCB proposal that subtitle D non-hazardous waste controls for CCB will provide an equivalent level of protection for CCB disposal units as would hazardous waste controls under RCRA subtitle C.

There also is little question that the subtitle C option would have an adverse impact on jobs creation at a time when the nation is still attempting to recover from one of the worst recessions in our history and millions of people remain out of work. We simply cannot condone a regulatory option that harms rather than helps in the creation of new jobs, but unfortunately that is precisely what the subtitle C option would do.

We have heard from many companies in the still emerging CCB beneficial use markets that are seeing jobs lost from the mere suggestion of regulating CCB under RCRA's hazardous waste program. State departments of transportation have cautioned that the subtitle C option would put further restrictions on the important use of CCB in highway and other infrastructure projects. This could have an adverse impact on employment as available alternatives to CCB use in highway projects are considerably more expensive and would reduce the number of projects that could be covered by federal and state funds.

State environmental protection agencies have uniformly warned EPA that regulating CCB under RCRA's hazardous waste regime would immediately more than double the volume of wastes subject to hazardous waste controls, overwhelming the state budgets and employee resources needed to administer these new regulations. These economic burdens on the states will cause even more financial stress on already stretched state budgets, further accelerating the cuts in state jobs.

We are also concerned that the increased compliance costs under the subtitle C option will translate into increased energy rates for millions of American consumers, which will unnecessarily inhibit consumer spending and further burden our collective goal of an economic recovery.

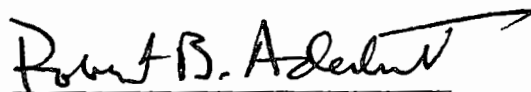
In short, there is simply no basis to pursue the subtitle C option for CCB with its attendant adverse impacts on jobs creation and economic recovery, when an equally protective and more cost-effective alternative is available for CCB under RCRA's subtitle D non-hazardous waste program. We therefore strongly encourage EPA to pursue the subtitle D option in the final CCB rule.

Thank you for your attention to this important matter.

Sincerely,



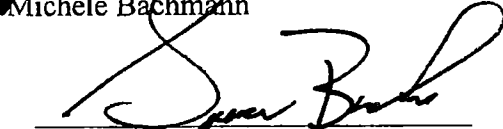
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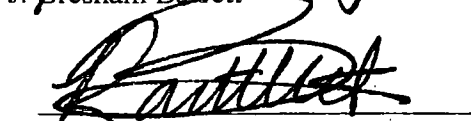
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Steve Austria



Michele Bachmann

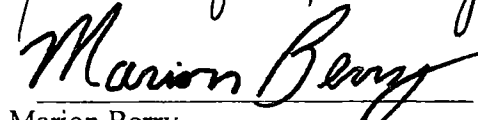

Spencer Bachus


J. Gresham Barrett



Roscoe G. Bartlett


Joe Barton

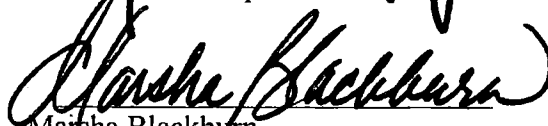

Shelley Berkley



Marion Berry


Judy Biggert


Rob Bishop

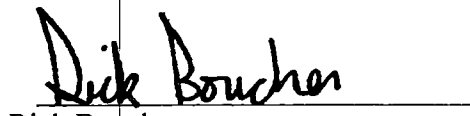

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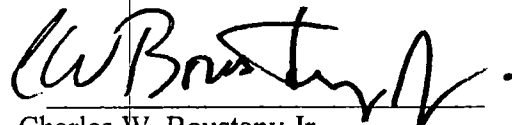

Marsha Blackburn



Roy Blunt


John A. Boccieri


Jo Bonner


Rick Boucher



Charles W. Boustany Jr.

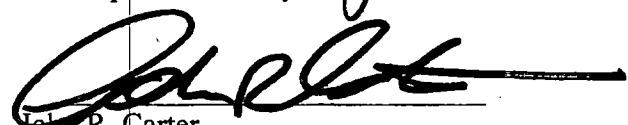

Bobby Bright

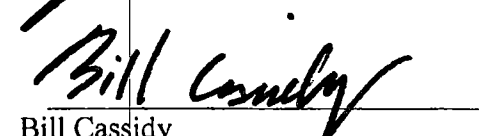

Paul C. Broun


Eric Cantor


Shelley Moore Capito

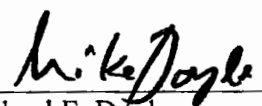

Christopher P. Carney


John R. Carter

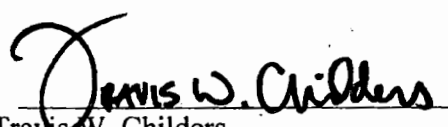

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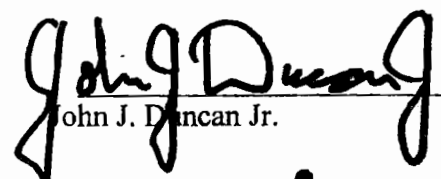
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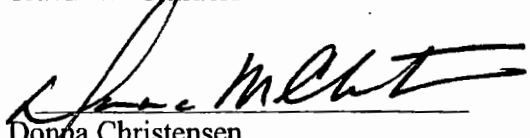
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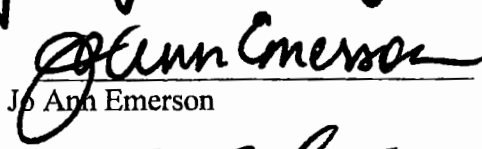
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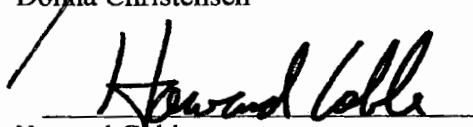
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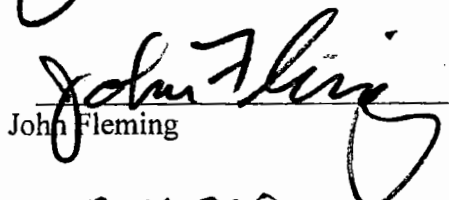
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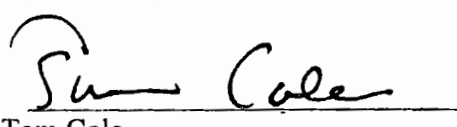
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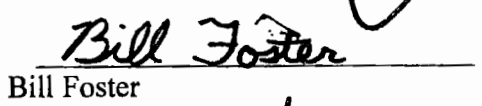
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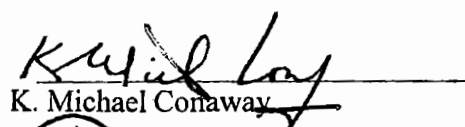
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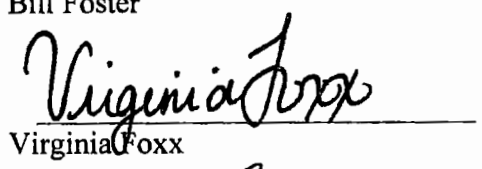
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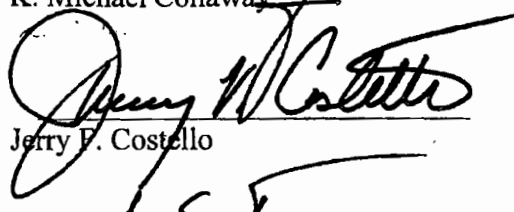
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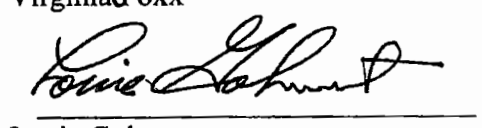
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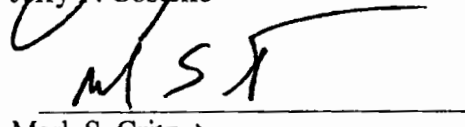
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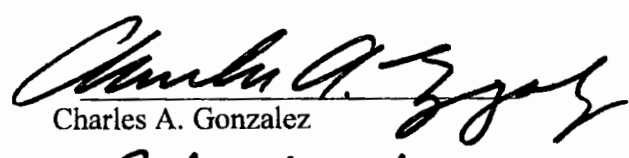
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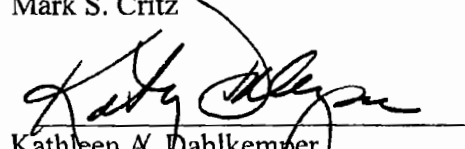
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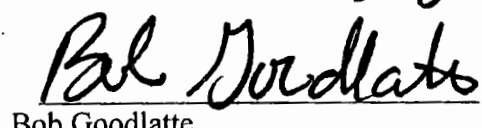
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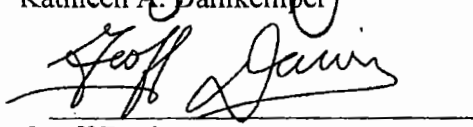
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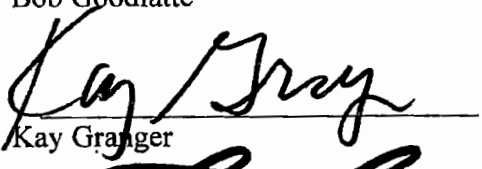
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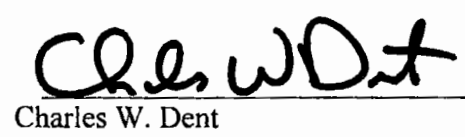
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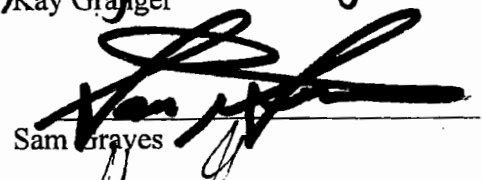
Geoff Davis




Kay Granger



Charles W. Dent



Sam Graves



Joe Donnelly



Gene Green

Brett Guthrie

Brett Guthrie

Ralph M. Hall

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Deborah L. Halvorson

Deborah L. Halvorson

Gregg Harper

Gregg Harper

Stephanie Herseith Sandlin

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Baron P. Hill

Baron P. Hill

Bob Inglis

Bob Inglis

Lynn Jenkins

Lynn Jenkins

Walter B. Jones

Walter B. Jones

Jim Jordan

Jim Jordan

Steve Kagen

Steve Kagen

Ron Kind

Ron Kind

Steve King

Steve King

John Kline

John Kline

Doug Lamborn

Doug Lamborn

Tom Latham

Tom Latham

Steven C. LaTourette

Steven C. LaTourette

Robert E. Latta

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John Linder

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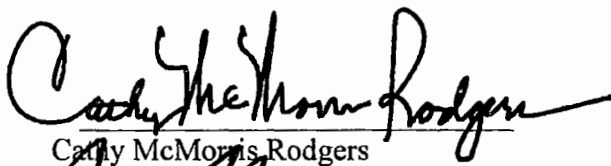
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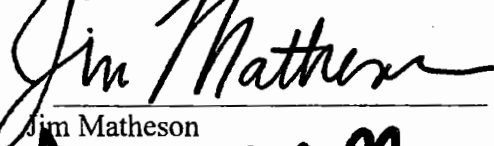
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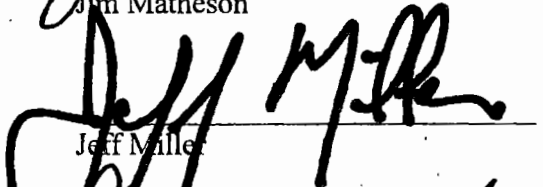
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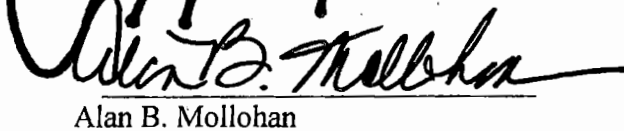
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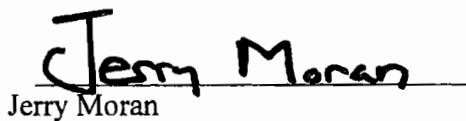
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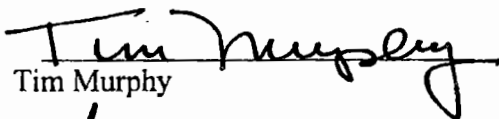
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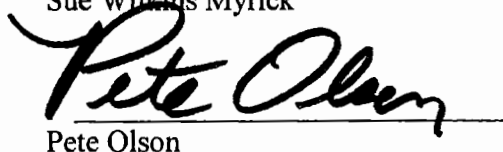
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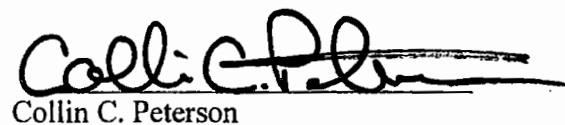
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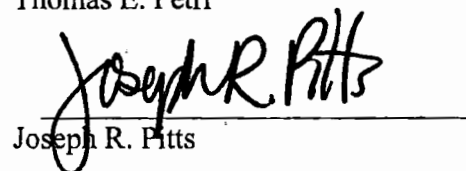
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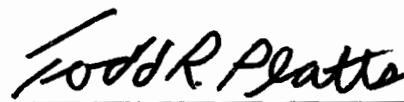
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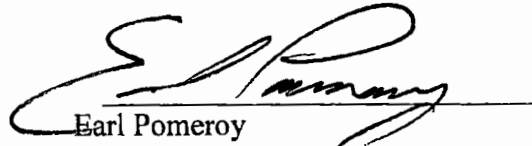
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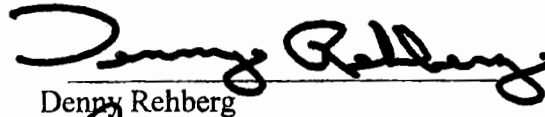
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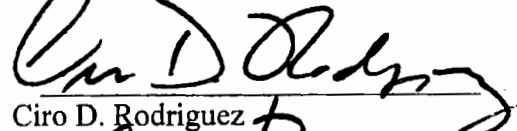
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Earl Pomeroy

Earl Pomeroy


Denny Rehberg

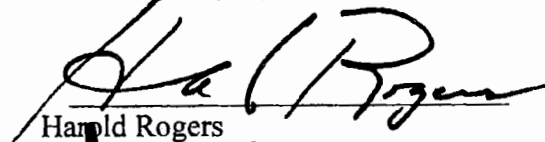
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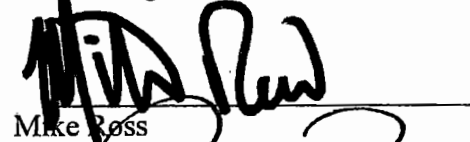
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Mike Rogers (AL)

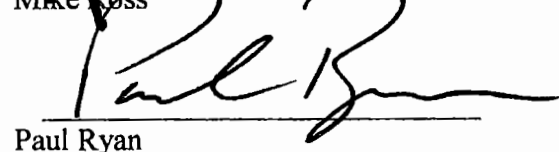
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Harold Rogers

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Mike Ross

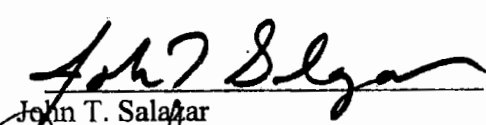
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Paul Ryan

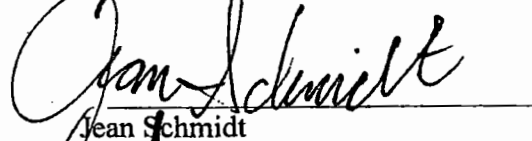
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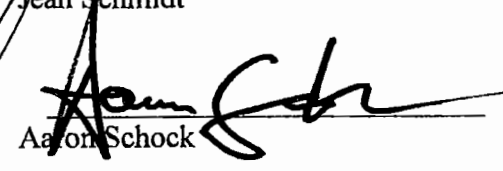
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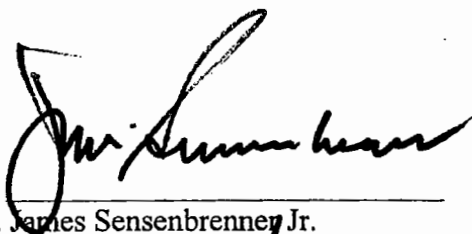
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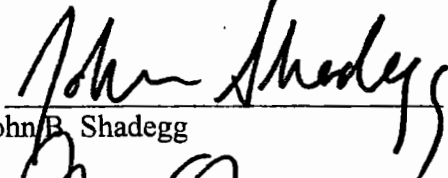

Jean Schmidt

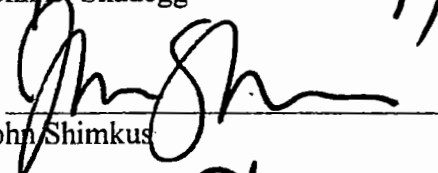
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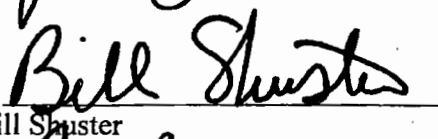

Aaron Schock

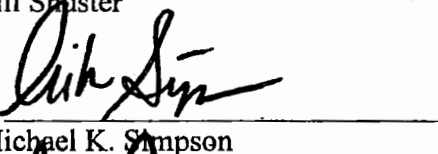
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F. James Sensenbrenner Jr.


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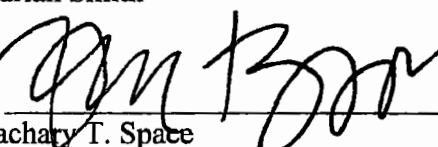

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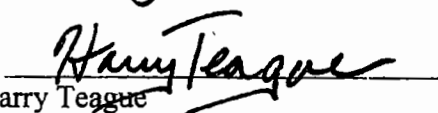

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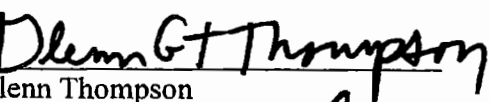

Ike Skelton

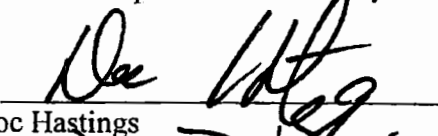

Adrian Smith

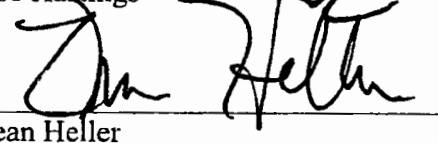

Zachary T. Space


Betty Sutton

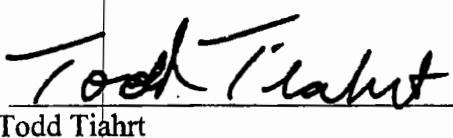

Harry Teague



Glenn Thompson

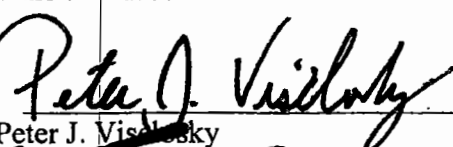

Doc Hastings

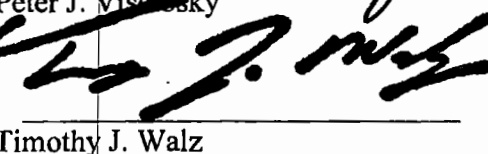

Dean Heller


Mac Thornberry

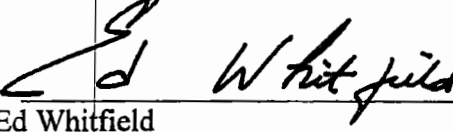

Todd Tiahrt

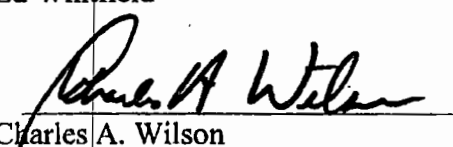

Patrick J. Tiberi


Peter J. Visclosky



Timothy J. Walz


Lynn A. Westmoreland


Ed Whitfield

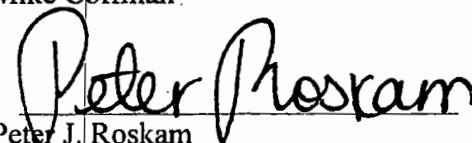

Charles A. Wilson


Joe Wilson


Robert J. Wittman


Don Young


Mike Coffman


Peter J. Roskam



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 1 2010

The Honorable Michael T. McCaul
U.S. House of Representatives
Washington, D.C. 20515

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Dear Congressman McCaul:

Thank you for your letter of July 29, 2010 to U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson, expressing your interest in EPA's proposed rulemaking governing the management of coal combustion residuals (CCRs) and the potential adverse impacts associated with a possible re-classification of CCRs as a hazardous waste. I appreciate your interest in these important issues.

In the proposed rule, EPA seeks public comment on two approaches available under the Resource Conservation and Recovery Act (RCRA). One option is drawn from remedies available under Subtitle C, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The other option includes remedies under Subtitle D, which gives EPA authority to set performance standards for waste management facilities which are narrower in scope and would be enforced primarily by those states who adopt their own coal ash management programs and by private citizen suits. EPA estimated the potential impact of the proposed rule on electricity prices assuming that 100% of the costs of the rule would be passed through to coal-fired electric utility customers. EPA estimated a potential increase of 0.015 cents per kilowatt-hour under the Subtitle D option to 0.070 cents per kilowatt-hour under the Subtitle C option in potential average electricity prices charged by coal-fired electric utility plants on a nationwide basis.

EPA is not proposing to regulate the beneficial use of CCRs. EPA continues to strongly support the safe and protective beneficial use of CCRs. However, EPA has identified concerns with some uses of CCRs in an unencapsulated form, in the event proper practices are not employed. The Agency is soliciting comment and information on these types of uses.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, reading "Mathy Stanislaus", is positioned above the typed name.

Mathy Stanislaus
Assistant Administrator

AL-11-001-8916

RALPH M. HALL, TEXAS
CHAIRMAN

EDDIE BERNICE JOHNSON, TEXAS
RANKING MEMBER

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6301
(202) 225-6371
www.science.house.gov

November 4, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

We write today to express our disappointment in the lack of responsiveness by the Environmental Protection Agency (EPA) to Member requests and letters. When President Obama took office in January 2009, he promised that his Administration would be the most transparent in history.

*"Information maintained by the Federal Government is a national asset. My Administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use."*¹

Transparency is necessary in order for Congress to fulfill its oversight responsibilities, therefore requiring Federal agencies to provide requested information as expeditiously as possible is vital. Meaningful and worthwhile oversight requires real cooperation from Federal agencies.

On September 22, 2011 and September 23, 2011, Members of the Science, Space, and Technology Committee sent two letters to Assistant Administrator Gina McCarthy. In the September 22 letter, Energy and Environment Subcommittee Chairman Harris requested the original data sets and analysis for five studies; during a September 15, 2011 hearing, Ms. McCarthy assured the Committee the information was already publicly available and that she would be happy to provide it. Chairman Harris requested the receipt of such information by October 3, 2011. The September 23 letter signed by Chairman Hall and 8 members of the Committee requested information on EPA's development of the Cross-State Air Pollution Rule (CSAPR), including information regarding meetings between EPA and entities affected by CSAPR, information about the cost of electricity to ratepayers, and information regarding the

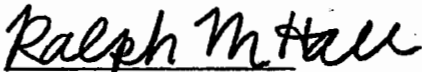
¹ Memorandum for the Heads of Executive Departments and Agencies: Transparency and Open Government. President Barak Obama, January 26, 2009. FR Doc No: E9-1777.

Integrated Planning Model used as the basis for EPA's analysis for CSAPR. This letter requested information to be provided by October 7, 2011.

As the authorizing Committee for scientific activities at EPA, we require such information to examine the scientific foundations of EPA regulations and inform our decision making in regard to the Agency's work and resources. This is especially important when regulations have a direct impact on jobs, as we have seen recently in Texas with the announcement of mine closures.

We trust that you will provide the information requested in the aforementioned letters no later than November 7 and that EPA will be more responsive to the requests of this Committee. If you have any questions regarding this matter please contact Ms. Tara Rothschild or Mr. Clint Woods with the Subcommittee on Energy and Environment at (202) 225-8844.

Sincerely,




Ralph M. Hall
Chairman



Andy Harris
Chairman
Subcommittee on Energy & Environment



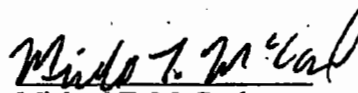
Paul C. Broun
Chairman
Subcommittee on Investigations & Oversight



Lamar S. Smith



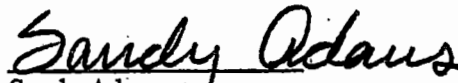
Randy Neugebauer



Michael T. McCaul



Dana Rohrabacher



Sandy Adams



Dan Benishek

AL-11-001-5802

MICHAEL T. McCAUL
10TH DISTRICT, TEXAS

COMMITTEE ON
HOMELAND SECURITY

CHAIRMAN, SUBCOMMITTEE ON
OVERSIGHT, INVESTIGATIONS AND MANAGEMENT

COMMITTEE ON FOREIGN AFFAIRS
VICE CHAIR, SUBCOMMITTEE ON THE
WESTERN HEMISPHERE

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

REPUBLICAN POLICY COMMITTEE

COMMITTEE ON ETHICS

ASSISTANT REPUBLICAN WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-4310

September 20, 2011

SENT VIA FAX: 202-501-1519

David McIntosh
Associate Administrator for Congressional and
Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3425 ARN
Washington, DC 20460

RE:

(b) (6)

Katy, Texas 77493

Dear Mr. McIntosh:

I am writing on behalf of my constituent, (b) (6), regarding his request for assistance with your office.

I would appreciate your review of the enclosed Privacy Authorization Form and other documentation provided by my constituent. Please direct your response to my Brenham office at 2000 South Market Street, Suite 303, Brenham, Texas 77833.

If you have any questions or concerns, you may contact Marita Mikeska at 979/830-8497. I am grateful for any assistance you are able to provide in the matter, and I look forward to hearing from you in the near future.

Sincerely,



Michael T. McCaul
Member of Congress

MTM:mkm
Enclosure

WASHINGTON OFFICE
131 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2461

AUSTIN OFFICE
5029 BALCONES DRIVE, SUITE 300
AUSTIN, TX 78717
(512) 473-1357

BRENNHAM OFFICE
2000 SOUTH MARKET STREET, SUITE 303
BRENNHAM, TX 77833
(979) 830-8497

KATY OFFICE
550 FOX AVE, SUITE 120
HOUSTON, TX 77034
(281) 398-1247

TOMBALL OFFICE
TOMBALL ROCKWOOD PROFESSIONAL BUILDING
920 VILLAGE SQUARE, SUITE 100
TOMBALL, TX 77375
(281) 256-8377

Sep 16 2011 6:35AM HP LASERJET FAX

p.2



Congressman Michael McCaul Privacy Authorization Form

Number: (b) (6) E-mail: (b) (6)
 Street Address: (b) (6)
 City: Katy State: TX Zip Code: 77493
 Home Phone: (b) (6) Work Phone: (b) (6)
 Social Security No.: (b) (6) Date of Birth: (b) (6)
 Federal Agency: EPA Claim Number:

Please tell us about your situation or difficulty. Include details regarding the current status and any corrective measures you have taken to resolve this matter.

We are working with BAE Systems of Sealy to convert diesel buses and trucks to dual fuel (CNG mixed with diesel) for Clear Creek ISD and the Station Production Services of Houston for their 500 class trucks that haul water for vac jobs all over the U.S. The conversion to dual fuel would allow companies to replace approximately 40-50% of their diesel with NG. This conversion would not disable or remove any emission equipment and would actual cause nearly 100% of the diesel particulates to be burned up in the engine while reducing the overall emissions. After checking into this with the EPA, they are requiring that BAE remove the engine from the vehicle and test the new dual fuel system on a dynamometer system with a testing company at a cost of over \$100,000 per engine type. Our current research indicates that Stallion has 45 different models of large trucks with probably 20+ different engine types. This would cost over \$2,000,000 to get all of Stallion engine types tested to meet the EPA requirements and will take years to accomplish. There are 25+ other companies that we have identified that are running trucks just like this around the oil and gas fields as well as the thousands of other fleets that we want to approach to get converted over to NG. This will create thousands of jobs in Texas and allow us to keep most of our dollars here in Texas since we produce the NG ourselves. I calculate that if we replace just 20% of the total use in Texas NG, we will keep \$2.6 billion dollars here in Texas for capital to add new jobs and purchase new equipment to build more business. Please help us help the EPA to do its job of cleaning up the environment while allowing business to flourish in Texas.

(If you additional photo is necessary)

In accordance with the Privacy Act of 1974, I hereby authorize Congressman Michael McCaul, or a member of his staff, to inquire with the appropriate federal agencies relative to the situation stated above.

Signature: (b) (6) Date: 9/2/11

Please return this form and documentation to the district office listed below:

5920 Balcones, Suite 303
 Austin, TX 78731
 Phone: (512) 473-9457
 Fax: (512) 471-0514

Regional Professional Building
 990 Village Square, Suite B
 Tarrant, TX 77173
 Phone: (817) 258-4472
 Fax: (817) 258-4472

2000 B. Market St., Suite 303
 Brenham, TX 77833
 Phone: (979) 830-8497
 Fax: (979) 830-1984

See When Document is Received



1773 WESTBOROUGH DRIVE
 KATY, TEXAS 77449
 PHONE: 888-560-5556
 PHONE: 888-641-6030
 Email: bob.baldwin@cngamerica.com





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC - 1 2011

OFFICE OF
AIR AND RADIATION

The Honorable Michael T. McCaul
U.S. House of Representatives
2000 South Market Street, Suite 303
Brownham, Texas 77833

Dear Congressman McCaul:

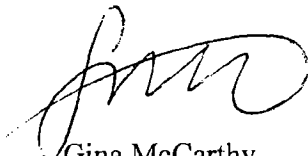
Thank you for your September 20, 2011, letter in which you inquire on behalf of your constituent, (b) (6) about the conversion of diesel buses and trucks to operate on a mixture of compressed natural gas (CNG) and diesel fuel. The U.S. Environmental Protection Agency recognizes that there is growing interest by the public and businesses such as CNG4America in clean alternative fuel conversion systems which can provide new fuel choices and can help address concerns about fuel costs, energy security, and improving air quality. The EPA supports the use of clean alternative fuels and alternative fuel conversions. We are also responsible for ensuring that all vehicles and engines, including aftermarket conversions, sold in the United States meet emission standards to reduce unhealthy levels of air pollution.

Conversions of vehicles or engines that are originally designed to run on gasoline or diesel fuel generally require changes to the original certified vehicle or engine configuration. Changing the configuration of a certified vehicle or engine can be considered a violation of the Clean Air Act prohibition against tampering (42 U.S.C. §7522 (a)(3)). The tampering prohibition is important because poorly designed or improperly installed modifications can increase emissions. However, the EPA recognizes that technically sound alternative fuel conversions can yield certain benefits and we have established policies through which conversion manufacturers can demonstrate that the conversion does not compromise emissions compliance.

The EPA regulations do require that alternative fuel conversions be subject to some engine testing. Mr. (b) (6) stated in his letter that his company is working with BAE Systems and has been informed that the engine testing required by the EPA to comply with the regulations is prohibitively expensive given the large number of models and engine types with which the company works. While engine dynamometer testing can cost \$50,000 to \$100,000, depending on the scope and volume of testing required, the EPA has recently streamlined the alternative fuel conversion testing requirements in a final rulemaking published in the Federal Register on April 8, 2011. One of the flexibilities added in this new rule allows groups of engines with similar design characteristics to be combined for testing in order to reduce the burden on converters. Additionally, if some of the engines are outside their regulatory useful life, less expensive testing can be done. The EPA is currently working directly with BAE Systems to address the company's testing questions and to assist it in grouping its engines for testing as allowed by the regulations. For more information about the new regulation and other information on alternative fuel conversions, please visit: <http://www.epa.gov/otaq/consumer/fuels/altfuels/altfuels.htm>.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina McCarthy', with a stylized, cursive script.

Gina McCarthy
Assistant Administrator

AL-12-000-7429

MICHAEL T. MCCAUL
101H D STREET, TEXAS

COMMITTEE ON
HOMELAND SECURITY

CHAIRMAN, SUBCOMMITTEE ON
OVERSIGHT, INVESTIGATIONS AND MANAGEMENT

COMMITTEE ON FOREIGN AFFAIRS

VICE CHAIR, SUBCOMMITTEE ON THE
WESTERN HEMISPHERE

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

REPUBLICAN POLICY COMMITTEE

COMMITTEE ON ETHICS

ASSISTANT REPUBLICAN WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-4310

April 17, 2012

SENT VIA FACSIMILE: (202) 501 - 1519

Mr. David McIntosh
Associate Administrator for Congressional
and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, DC 20460
Fax: (202) 501 - 1519

RE: (b) (6)
Austin, Texas 78731-4516

Dear Mr. McIntosh:

I am writing on behalf of my constituent, (b) (6), regarding his request for assistance with your office.

I would appreciate your review of the enclosed Privacy Authorization Form and other documentation provided by my constituent. Please direct your response to my Brenham office at 2000 South Market Street, Suite 303, Brenham, Texas 77833.

If you have any questions or concerns, you may contact Marita Mikeska at 979/830-8497. I am grateful for any assistance you are able to provide in the matter, and I look forward to hearing from you in the near future.

Sincerely,

Michael T. McCaul
Michael T. McCaul
Member of Congress

MTM:mkm
Enclosure

WASHINGTON OFFICE
131 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2401

AUSTIN OFFICE
5525 BALDWIN DRIVE, SUITE 300
AUSTIN, TX 78731
(512) 473-2557

BRENNHAM OFFICE
2000 SOUTH MARKET, SUITE 303
BRENNHAM, TX 77833
(979) 830-8497

KATY OFFICE
1563 FOXLAKE, SUITE 120
HOUSTON, TX 77059
(281) 359-1247

TOMBALL OFFICE
TOMBALL ROSEWOOD PROFESSIONAL BUILDING
990 VILLAGE SQUARE, SUITE 5
TOMBALL, TX 77375
(281) 255-8277



Congressman Michael McCaul

Privacy Authorization Form

Name: (b) (6) E-mail: (b) (6)

Street Address: (b) (6)

City: Austin State: Texas Zip Code: 78731-4516

Home Phone: (b) (6) Work Phone: (b) (6)

Social Security No.: (b) (6) Date of Birth: April 14, 1926

Federal Agency: EPA Claim Number: _____

Please tell us about your situation or difficulty. Include details regarding the current status and any corrective measures you have taken to resolve this matter.

I need answers to two question from the EPA.
I cannot find any EPA employees or contractors
who know the answers.

(Use additional sheets as necessary)

In accordance with the Privacy Act of 1974, I hereby authorize Congressman Michael McCaul, or a member of his staff, to inquire with the appropriate federal agencies relative to the situation stated above.

(b) (6) March 28, 2012
 Date

Please return this form and documentation to the district office listed below:

☒ 5929 Balcones, Suite 305
 Austin, TX 78731
 Phone: (512) 473-2357
 Fax: (512) 473-0514

☐ Rosewood Professional Building
 990 Village Square, Suite B
 Tomball, TX 77375
 Phone: (281) 255-8372
 Fax: (281) 255-0034

☐ 2000 S. Market St.
 Suite 303
 Brenham, TX 77833
 Phone: (979) 830-8497
 Fax: (979) 830-1984

Note: When submitting the Privacy Authorization form, please provide copies of any documentation you may have pertaining to your issue.

How much are cellulosic ethanol waivers per gallon?

What is the 2012 cellulosic ethanol renewable fuel standard?

(b) (6)

(b) (6)



U.S. Representative Michael McCaul
10th District of Texas

2000 S. Market St., Suite 303
Brenham, TX 77833
(979) 830-8497

FAX COVER SHEET

FAX: (979) 830-1984

DATE: 4/17, 2012

TO: David McIntosh

FAX #: 202 501 1519

SUBJECT: (b) (6)

PAGES: 4 including cover sheet

FROM:

- ☐ Michael T. McCaul, U.S. Representative
- ☐ Kara Mayfield, District Director
- ☐ Leonard Cash, Field Director
- ☒ Marita Mikeska, Constituent Liaison

If there are any problems with the transmission of this fax, please contact:
The District Office of Congressman Michael T. McCaul
(979) 830-8497

COMMENTS:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN - 1 2012

OFFICE OF
AIR AND RADIATION

The Honorable Michael T. McCaul
Member, U.S. House of Representatives
2000 South Market Street, Suite 303
Brenham, Texas 77833

Dear Congressman McCaul:

Thank you for your April 17, 2012, letter on behalf of your constituent, Mr. (b) (6), who inquired about the U.S. Environmental Protection Agency's Renewable Fuels Standard (RFS) program. Specifically, Mr. (b) (6) was looking for information on the cellulosic renewable fuels standard for 2012 and the cost of cellulosic waiver credits.

Congress set forth renewable fuel volume standards in the Energy Independence and Security Act of 2007 (EISA), including standards for cellulosic biofuel. The Congressional mandate for cellulosic biofuel volume in 2012 was 500 million gallons. However, as discussed in the 2012 renewable fuel standards final rule we published in January, we reduced the required volume by more than 98% - to 8.65 million gallons - after our own analysis and considering information from the U.S. Department of Energy, the U.S. Energy Information Administration and the U.S. Department of Agriculture.

We also applied the specific directions established by Congress in EISA in setting the cost of cellulosic waiver credits for 2012. Those directions reflect that Congress sought to balance providing an incentive for the development of the cellulosic biofuel market with providing relief to obligated parties (refiners and importers of gasoline and diesel fuel) by affording them an alternative ability to comply without penalty should the market not meet near-term expectations. Applying the formulas specified by EISA, the EPA calculated the cost of a cellulosic waiver credit for the 2012 compliance period to be \$0.78. Thus, this cost is an alternative way, established by Congress, to allow obligated parties to comply with the standards. Additional information on the 2012 renewable fuel standards, including a discussion on waiver credits, can be found at our website at <http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm>.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations at 202-564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy".

Gina McCarthy
Assistant Administrator

AL-13-800-4676



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 23 2013

OFFICE OF
CIVIL RIGHTS

The Honorable Michael McCaul
Chairman
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to send you the enclosed copy of the U.S. Environmental Protection Agency's Fiscal Year 2012 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174.

This report provides information regarding the number of cases arising under the respective areas of law cited in the No FEAR Act where discrimination was alleged; the amount of money required to be reimbursed by the EPA to the Judgment Fund in connection with such cases; the number of employees disciplined for discrimination, retaliation, harassment or any other infractions of any provision of law referred to under the Act; an analysis of trends and knowledge gained; and accomplishments.

An identical letter has been sent to each entity designated to receive this report as listed in Section 203 of the No FEAR Act. The U.S. Attorney General, the Chair of the U.S. Equal Employment Opportunity Commission, and the Director of the U.S. Office of Personnel Management will also be sent a copy of the report.

If you have any questions, please contact me; or, your staff may call Christina Moody in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Vicki Simons", written over a horizontal line.

Vicki Simons
Acting Director

Enclosure

OFFICE OF CIVIL RIGHTS

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

Fiscal Year 2012

Annual Report to Congress
Pursuant to the
Notification and Federal Employee
Antidiscrimination and Retaliation
Act of 2002

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I. EXECUTIVE SUMMARY

The U.S. Environmental Protection Agency (EPA or Agency) provides its Annual Report to Congress as required by Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174. As required, this report includes information related to the number of cases in Federal court pending or resolved in fiscal year (FY) 2012 and, in connection with those cases, their disposition; reimbursement(s) to the Judgment Fund; and the number of employees disciplined and the nature of the disciplinary action taken.

During FY 2012, there were a total of 12 cases pending before Federal courts. Among these cases, there were 11 claims of violation of Title VII; 3 claims of violations of the Rehabilitation Act; 5 claims of violation of the Age Discrimination in Employment Act; and one claim of violation of the Fair Labor Standards Act (sex discrimination).

Of the 12 cases noted above, one was settled during the reporting period. The settlement involved a total payment of \$175,000. In that settlement, no amount was separately designated for the payment of attorney's fees. The settlement amount will be reimbursed to the Judgment Fund.

Of the remaining 11 cases, one was dismissed with prejudice, one is pending appeal before the U.S. Court of Appeals for the 11th Circuit, and the remaining cases are pending adjudication in U.S. Federal District Courts.

II. BACKGROUND

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," or, as it is more commonly known, the No FEAR Act. One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." Public Law 107-174, Summary. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Public Law 107-174, Title I, General Provisions, section 101(1).

Section 203 of the No FEAR Act requires that each Federal agency submit an annual Report to Congress not later than 180 days after the end of each fiscal year. Agencies must report on the number of Federal court cases pending or resolved in each fiscal year and arising under each of the respective areas of law specified in the Act in which discrimination or retaliation was alleged. In connection with those cases, agencies must report the status or disposition of the cases; the amount of money required to be reimbursed to the judgment fund; and the number of employees disciplined. Agencies must also report on any policies implemented related to appropriate disciplinary actions against a Federal employee who discriminated against any individual, or committed a prohibited personnel practice; any employees disciplined under such a policy for conduct inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws; and an analysis of the data collected with respect to trends, causal analysis, and other information.

The Act imposes additional duties upon Federal agency employers intended to reinvigorate their longstanding obligation to provide a work environment free of discrimination and retaliation. The additional obligations contained in the No FEAR Act can be broken down into five categories:

- A Federal agency must reimburse the Judgment Fund for payments made to employees, former employees, or applicants for Federal employment because of actual or alleged violations of Federal employment discrimination laws, Federal whistleblower protection laws, and retaliation claims arising from the assertion of rights under those laws.
- An agency must provide annual notice to its employees, former employees, and applicants for Federal employment concerning the rights and remedies applicable to them under the employment discrimination and whistleblower protection laws.
- At least every two years, an agency must provide training to its employees, including managers, regarding the rights and remedies available under the employment discrimination and whistleblower protection laws.
- Quarterly, an agency must post on its public website summary statistical data pertaining to EEO complaints filed with the agency.

The President delegated responsibility to the Office of Personnel Management (OPM) for issuance of regulations governing implementation of Title II of the No FEAR Act. OPM published final regulations on the reimbursement provisions of the Act on May 10, 2006; final regulations to carry out the notification and training requirements of the Act were published on July 20, 2006; and the final regulations to implement the reporting and best practices provisions of the No FEAR Act on December 28, 2006. The Equal Employment Opportunity Commission (EEOC) published its final regulations to implement the posting requirements of Title III of the No FEAR Act on August 2, 2006. The EPA has prepared this report based on the provisions of the No FEAR Act in accordance with OPM and EEOC's final regulations.

III. DATA

a. Civil Cases

Section 203(a)(1) of the No FEAR Act requires that agencies include in their Annual Report "the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged." Section 724.302 of OPM's final regulations on reporting and best practices clarifies section 203 (1) of the No FEAR Act stating that agencies report on the "number of cases in Federal Court [district and appellate] pending or resolved...arising under each of the respective provisions of the Federal Antidiscrimination laws and Whistleblower Protection Laws applicable to them...in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved."

During FY 2012, there were a total of 12 cases pending before Federal courts. Among these cases, there were 11 claims of violation of Title VII; 3 claims of violations of the Rehabilitation

Act; 5 claims of violation of the Age Discrimination in Employment Act; and one claim of violation of the Fair Labor Standards Act (sex discrimination).

Of the 12 cases noted above, one was settled during the reporting period. The settlement involved a total payment of \$175,000. In that settlement, no amount was separately designated for the payment of attorney's fees. The settlement amount will be reimbursed to the Judgment Fund.

Of the remaining 11 cases, one was dismissed with prejudice, one is pending appeal before the U.S. Court of Appeals for the 11th Circuit, and the remaining cases are pending adjudication in U.S. Federal District Courts.

b. Reimbursement to the Judgment Fund

During FY 2012, the Agency was required to reimburse the Judgment Fund \$175,000, in connection with the one settled civil case. No amount was separately designated for the payment of attorney's fees. This is \$50,000 less than the amount the Agency was required to reimburse to the Judgment Fund in FY 2011.

c. Disciplinary Actions (5 C.F.R. § 724.302 (a)(3) & (5))

There were no employees disciplined in FY 2012 in connection with any cases described in paragraph (a) above, or for any other conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes prohibited personnel practices.

d. Final Year-End Data Posted Under Section 301(c)(1)(B)

The final year-end data posted pursuant to section 301(c)(1)(B) of the No FEAR Act is included in Appendix 1.

The final year-end data indicates that during FY 2012, there were 76 new administrative complaints of discrimination filed by 75 employees or applicants for employment. One Agency employee filed more than one complaint during the reporting period. Within the total inventory of 205 complaints, EPA's Office of Civil Rights (OCR) conducted 105 pre-complaint counselings; 61 investigations; and closed 49 cases including 13 final agency decisions, 11 final agency orders, 12 settlements, 3 dismissals and 11 withdrawals. There was one finding of discrimination in FY 2012.

FY 2012 complaint totals can be found in their entirety at Appendix 1 of this report.

e. Policy Description on Disciplinary Actions (5 C.F.R. § 724.302(a)(6))

The FY 2012 Agency EEO policy addresses a variety of topics including the prohibition of discrimination in the workplace and a reminder to all employees that the agency will review any finding of discrimination and take appropriate disciplinary or corrective action. The EEO policy, as well as information on addressing harassment and reasonable accommodation, was discussed in

the mandatory Successful Leaders program for all new Agency supervisors. The FY 2012 EEO Policy can be found in its entirety at Appendix 3 of this report.

Also, EPA Order 3110.6B, *Adverse Actions*, EPA Order 3120.1B, *Conduct and Discipline*, EPA Order 3120.2, *Conduct and Discipline Senior Executive Service* and applicable collective bargaining agreements, provide guidance to managers about the type of disciplinary actions that may be taken, when appropriate, in response to a finding of discriminatory behavior or conduct. Such actions may range from informal corrective actions such as a written warning to more formal disciplinary actions such as a suspension without pay or removal.

f. No FEAR Act Training Plans (5 C.F.R. § 724.302 (a)(9))

In FY 2011, OCR began a revamp of its entire web presence, to include a redesign of the NoFEAR Act online training. The redesigned training, was more user-friendly, interactive, and provided a more meaningful learning experience.

The EPA FY 2012 “*No FEAR Act Training Course*” was hosted on the EPA eLearning site. The EPA eLearning site is an Internet-based training tool designed to support cross-functional training development needs for EPA employees. The site can be accessed 24 hours a day, 7 days a week, from work or from home. This access allows for maximum flexibility to meet the No FEAR Act training requirements. OCR, the Regional EEO Officers and the Headquarters Program Management Officers closely tracked and monitored the successful completion of this training by individual offices, resulting in a 98% completion rate, Agency-wide, for the year. This percentage rate was a marked improvement from the 95% completion rate the previous year.

IV. ANALYSIS OF TRENDS, CAUSAL ANALYSIS AND PRACTICAL KNOWLEDGE GAINED THROUGH EXPERIENCE (5 C.F.R. § 724.302 (a)(7))

At the conclusion of FY 2012, the bases of alleged discrimination most often raised were: (1) retaliation; (2) sex; and (3) race. The 76 EEO complaints filed at EPA in FY 2012 contained 43 allegations of retaliation, 41 allegations of sex discrimination, and 39 allegations of race discrimination. While these totals are slightly higher than in the previous year, these totals are within the general average range of historical complaint totals for these bases. Considering the aggregate size of the workforce, the data shows that the 0.34% of the Agency workforce of 18,066 employees that has filed complaints. This number falls well below the government-wide average of 0.53% of the workforce who filed complaints in FY 2011. At the time of reporting, government-wide totals for FY 2012 were not yet available.

The Agency saw a 19% increase in the number of complaints filed from FY 2011 to FY 2012. We believe that the increase in administrative complaints filed can be attributed to the resource limitations in FY 12 as compared to FY 11, which resulted in fewer approvals for training opportunities, staff development and award dollars. We also believe that because 98% of EPA’s employees received training on the EEO laws, rights and remedies, this education identified the EEO process as a mechanism available to them to oppose otherwise fiduciarily dictated denials of opportunities.

EPA continues to stress training as a method for ultimately reducing the number of Federal court judgments, awards, and formal complaints as managers and supervisors expand their knowledge of their responsibilities to promote equal employment opportunity.

EPA completed investigations for complaints pending during FY 2012 with an average processing time of 349 days, slightly above the FY 2011 Government-wide average of 346 days. In FY 2012, the Agency focused heavily on the completion of FADs that originated prior to FY 2010. As a result, remarkable progress was made in reducing the backlog. In FY 2011, the Agency had 16 Final Agency Decisions (FADs) pending that were over 1,000 days old. At the end of the reporting period, the Agency had no FADs pending over 1,000 days old. The average age for FADs pending in FY 2012 was 517 days. The prioritization of older matters meant that the average age of completed cases went up. However, during FY 2013, the Agency will make significant efforts to improve the proportion of cases adjudicated timely. As a result, both the days-to-completion and timeliness rate are expected to improve dramatically.

V. ADJUSTMENTS TO BUDGET (5 C.F.R. § 724.302(a)(2)(ii))

During FY 2012, the Agency was required to reimburse the Judgment Fund \$175,000, in connection with the one settled civil case. No amount was separately designated for the payment of attorney's fees.

VI. ACTIONS PLANNED OR TAKEN TO IMPROVE COMPLAINT OR CIVIL RIGHTS PROGRAMS (5 C.F.R. § 724.302 (a)(7)(iv))

Over the past year, EPA's civil rights program made significant progress, and the Administrator has taken several actions to strengthen EPA's commitment to civil rights, equal employment opportunity and diversity in the workplace:

- EPA has set a record 98% completion rate for training its employees under the NoFEAR Act.
- Within the EPA, every member of the Senior Executive Service now has a performance standard related to equal employment opportunity and diversity in the workplace. Senior managers must outline the specific initiatives and actions they have personally undertaken and the results or effectiveness of those actions. At the end of every performance cycle, the Director of the Office of Civil Rights, Performance Review Board members, and Executive Review Board members review these self-assessments to verify that the respective rating for the EEO performance standard is a reflection of the accomplishments listed.
- Informational materials about the benefits of ADR were made available throughout the Agency in print and on the Agency's website. The Agency also conducts training on ADR and how to avoid lengthy and costly EEO complaints. We will investigate why employees' participation rate in the ADR program is lower than anticipated by distributing an employee survey or similar assessment and take appropriate action based on the results of the investigation.
- EPA has taken steps to improve the timeliness of EEO investigations. Of particular note is the new requirement for contractors to deliver investigations on schedule or receive

reduced payment and/or terminate the contract. All EPA investigators and counselors received the required annual training and/or refresher training in accordance with MD 110.

- EPA works to comply with orders from administrative judges in a timely manner, and this is a factor that is included in the performance standard of the Assistant Director for the Office of Civil Rights, Employment Complaints Resolution Staff (ECRS). In addition, EPA has systems in place to ensure that the Agency initiates any monetary or other relief in a timely manner.
- In FY 2012, OCR's ECRS attended FAD writing training with EPA's Office of General Counsel, related to writing acceptance and dismissal letters, analyzing hostile work environment claims and conducting thorough investigations.
- OCR also continues to post all No FEAR statistics on the OCR website on a quarterly basis.
- Members of OCR management make presentations during the monthly new employee orientations to ensure that all new employees are notified of the rights and remedies applicable to them under the employment discrimination and whistleblower protection laws.
- In FY 2012, OCR worked to make critical changes to its counseling program by reducing the larger number of collateral counselors into a smaller, elite cadre of highly-trained professionals and by centralizing the assignment of counselors. During the limited time this new process has been in place, the timeliness, quality of EEO Counselor's Reports, and both the utilization and success rate for ADR have all significantly improved. For FY 2011, ADR offer rate was 29.9% and the acceptance rate was 19.6%. This year, the ADR offer rate was 84.7% and the acceptance rate was 33.7%, which demonstrates significant improvement.
- The Civil Rights Director and EEO Officials across the Agency participate in briefings, listening sessions, and brainstorming sessions to discuss EEO with managers, senior leaders and employees in order to identify and address any barriers and specific action items that can continue to improve the Agency's EEO and civil rights program.

APPENDIX 1

Equal Employment Opportunity Data Posted

Pursuant to the No Fear Act:

EPA (and below)

For 4th Quarter 2012 for period ending September 30, 2012

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2012Thru09-30
	2007	2008	2009	2010	2011	
Number of Complaints Filed	63	79	77	70	64	76
Number of Complainants	58	72	71	63	61	75
Repeat Filers	6	9	8	9	3	1
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2012Thru09-30
	2007	2008	2009	2010	2011	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	32	42	33	39	25	39
Color	8	14	9	14	10	13
Religion	2	2	1	5	2	9
Reprisal	33	37	35	47	39	43
Sex	20	28	36	28	29	41
PDA	0	0	0	0	0	0

National Origin	8	10	6	14	10	13
Equal Pay Act	1	0	0	0	2	1
Age	27	28	37	28	21	35
Disability	18	16	25	21	24	23
Genetics	0	0	0	0	0	0
Non-EEO	0	1	0	0	1	8

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2012Thru09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2007	2008	2009	2010	2011	
Appointment/Hire	0	0	0	2	1	5
Assignment of Duties	5	12	6	18	12	11
Awards	1	4	2	6	2	5
Conversion to Full-time	0	1	0	0	0	2
Disciplinary Action						
Demotion	0	1	0	0	0	0
Reprimand	2	3	3	3	3	2
Suspension	3	0	2	0	3	2
Removal	0	0	1	0	1	2
Other	1	0	0	3	2	4
Duty Hours	0	0	0	1	3	3
Evaluation Appraisal	8	17	9	14	11	21
Examination/Test	0	0	0	0	1	0
Harassment						
Non-Sexual	27	30	36	35	29	30

Sexual	0	1	0	1	1	1
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	3	5	2	3	4	4
Promotion/Non-Selection	21	28	24	24	18	25

Reassignment

Denied	3	1	0	4	3	2
Directed	2	2	2	6	1	4
Reasonable Accommodation	8	3	6	2	8	7
Reinstatement	0	0	0	0	0	0
Retirement	0	0	1	0	0	1
Termination	5	4	7	4	9	5
Terms/Conditions of Employment	10	11	8	16	10	18
Time and Attendance	7	13	7	6	6	17
Training	2	6	7	6	4	10
Other	2	0	0	0	0	7

Comparative Data

Processing Time	Previous Fiscal Year Data					2012Thru09-30
	2007	2008	2009	2010	2011	

Complaints pending during fiscal year

Average number of days in investigation	228.02	205.84	217.32	216.85	236.82	348.80
Average number of days in final action	224.72	261.40	192.96	205.02	398.16	319.77

Complaint pending during fiscal year where hearing was requested

Average number of days in investigation	229.46	215.97	211.79	208.86	242.18	354.84
Average number of days in final action	107.86	44.22	125.75	15.08	154.67	136.53
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation	226.00	183.18	225.34	228.69	218.60	337.41
Average number of days in final action	327.56	354.48	224.59	403.22	564.18	569.64
Complaints Dismissed by Agency						
	Comparative Data					
	Previous Fiscal Year Data					2012Thru09-30
	2007	2008	2009	2010	2011	
Total Complaints Dismissed by Agency	16	11	10	7	10	3
Average days pending prior to dismissal	303	339	111	308	981	434
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	10	8	3	2	4	11
Total Final Agency Actions Finding Discrimination						
	Comparative Data					
	Previous Fiscal Year Data					2012Thru09-30
	2007	2008	2009	2010	2011	
	#	%	#	%	#	%
Total Number	0		0		0	1

Findings												
Without Hearing	0	0	0	0	0	0	0	0	0	0	1	100
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2012Thru09-30	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	2007		2008		2009		2010		2011			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		1	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	1	100
Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

Findings After Hearing	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0		0		0		0		0		1	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	1	100
Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0

Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Comparative Data												
Findings of Discrimination Rendered by Issue	Previous Fiscal Year Data										2012Thru09-30	
	2007		2008		2009		2010		2011			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		0		0		1	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	1	100

Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to	0	0	0	0	0	0	0	0	0	0	0	0

Full-time												
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0

Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0		0		0		0		0		1	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	1	100
Sexual	0	0	0	0	0	0	0	0	0	0	0	0

Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					2012Thru09-30
	Previous Fiscal Year Data					
	2007	2008	2009	2010	2011	
Total complaints from previous Fiscal Years	88	75	95	122	116	121
Total Complainants	70	70	87	107	94	105
Number complaints pending						
Investigation	3	4	4	3	10	6
ROI issued, pending	0	0	0	1	0	3

Complainant's action						
Hearing	0	3	9	12	32	36
Final Agency Action	17	18	43	35	22	18
Appeal with EEOC Office of Federal Operations	0	0	0	0	1	0
Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					2012Thru09-30
	2007	2008	2009	2010	2011	
Pending Complaints Where Investigations Exceed Required Time Frames	9	19	13	10	25	32

APPENDIX 2

Anti-Harassment Policy

MEMORANDUM

FROM: Administrator Lisa P. Jackson

TO: All EPA Employees

As a matter of policy, harassment of any kind will not be tolerated at the U.S. Environmental Protection Agency. When harassment is directed at an individual because of a lawfully protected basis and is sufficiently severe or pervasive that it creates a hostile work environment or takes the form of a tangible employment action, it is unlawful. It is EPA policy to ensure that appropriate measures are implemented to prevent harassment, either sexual or nonsexual, in the workplace and to correct harassing conduct before it becomes severe or pervasive. EPA policy also strictly prohibits any retaliation against an employee who reports a concern about workplace harassment or assists in any inquiry about such a report.

For the purposes of this policy, unlawful harassment is defined as any unwelcome verbal or physical conduct based on race; color; sex, including pregnancy and gender identity/expression; national origin; religion; age; prior protected EEO activity; protected genetic information; sexual orientation or status as a parent when:

- a) the behavior can reasonably be considered to adversely affect the work environment; or
- b) an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct.

Sexual harassment can be either a form of harassment based on a person's sex that need not involve conduct of a sexual nature or harassment involving any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made explicitly or implicitly a term or condition of an employee's job, pay or career;
- b. submission to or rejection of such conduct by an employee is used as a basis for career or employment decisions affecting that employee; or
- c. such conduct has the purpose or effect of unreasonably interfering with an employee's performance or creates an intimidating, hostile or offensive environment.

Sexual harassment need not involve members of the opposite sex and can be perpetrated by and against members of either sex.

Examples of workplace harassment include:

- Oral or written communications that contain offensive name calling, jokes, slurs, negative stereotyping, hostility or threats. This includes comments or jokes that are distasteful or targeted at individuals or members of the lawfully protected bases set forth above.
- Nonverbal conduct, such as staring, leering and giving inappropriate gifts.
- Physical conduct, such as assault or unwanted touching.
- Visual images, such as derogatory or offensive pictures, cartoons or drawings. Such prohibited images include those in hard copy or electronic form.

The EPA does not permit harassment by or against anyone in the workplace. This includes any employee, applicant for EPA employment, grantee, contractor, Senior Environmental Employment enrollee or Federal Advisory Committee Act member. Workplace harassment should be reported immediately by the affected person to a first-line supervisor, a higher-level supervisor or manager in her or his chain of command, the Office of Inspector General or Labor and Employee Relations staff, as appropriate. Supervisors, in consultation with their human resources or legal offices, must conduct prompt, thorough and impartial inquiries.

If necessary and to the extent possible, measures must be taken to safeguard the anonymity of employees who file complaints. If management, in consultation with legal counsel, determines that harassment has occurred, it must be corrected as soon as possible. Harassing conduct by EPA employees need not rise to the level of unlawful harassment for it to constitute misconduct subject to corrective or disciplinary action.

In addition, EPA employees or applicants for employment may also use the complaint process established by the Equal Employment Opportunity Commission to file a complaint of harassment based on race, color, sex, religion, national origin, age, disability, prior protected EEO activity and protected genetic information for individual redress. To invoke that process, EPA employees and applicants must contact an EEO counselor within 45 days of an alleged incident of harassment. Reporting harassment to a supervisor in accordance with the previous paragraph does not satisfy this requirement and does not invoke the EEOC's process. EPA employees or applicants for employment may also report harassment based on sexual orientation and status as a parent to the EPA Office of Civil Rights.

Should you have any questions or need additional information about this policy, please contact the EPA Office of Human Resources at (202) 564-4600 or the EPA Office of Civil Rights at (202) 564-7272.

APPENDIX 3

MEMORANDUM

SUBJECT: 2012 Equal Employment Opportunity Policy Statement

FROM: Lisa P. Jackson

TO: All Employees

Fostering a fair and diverse work environment is essential to our work as One EPA and our service to the American people. I am proud to reaffirm today the U.S. Environmental Protection Agency's commitment to equal employment opportunity in the workplace.

The EPA cannot and will not tolerate discrimination based on race; color; religion; sex, including pregnancy and gender identity or gender expression; national origin; physical or mental disability; age; genetic information; sexual orientation; status as a parent; marital status; political affiliation; or retaliation based on previous EEO activity. Harassment – sexual or conduct – of any employee or applicant for employment is also unacceptable and prohibited by law.

I expect our management team to continue to provide first-class leadership in support of equal employment opportunity. I also ask that EPA managers and employees take responsibility for treating each other with dignity and respect, reporting discriminatory conduct and preventing all types of discrimination, including harassment. The agency will review any finding of discrimination and take appropriate disciplinary or corrective action.

The EPA promotes the use of alternative dispute resolution methods to resolve workplace disputes or EEO complaints. Managers are reminded that their participation in agency-approved alternative dispute resolution efforts to resolve employee EEO complaints is required, absent extraordinary circumstances as determined by the Office of Civil Rights' director or designee.

Any employee, manager or applicant for employment who believes he or she has been subjected to discrimination has a right to seek redress by contacting the EPA's Office of Civil Rights' employment complaints resolution staff at (202) 564-7272 or an EEO officer at the regional or laboratory level within 45 calendar days of the alleged discriminatory event.

A professional, productive and inclusive workplace is essential to the EPA's mission to protect human health and the environment. Unlawful discrimination in the workplace, including retaliation and harassment, undermines the achievement of our agency's mission. I appreciate your shared commitment to equal opportunity at the EPA, and look forward to continuing our work together.

AL-14-000-3623

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

December 19, 2013

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Administrator McCarthy,

Science is a valuable tool to help policymakers navigate complex issues. However, when inconvenient facts are disregarded or when dissenting voices are muzzled, a frank discussion becomes impossible. The Environmental Protection Agency (EPA) cannot continue to rush ahead with costly regulations without allowing time for a real-world look at the science.

We are concerned about the Agency's apparent disregard for the concerns of its science advisors. On December 3, 2013, Chairman Smith wrote to you about the troubling findings of the Science Advisory Board's (SAB) Work Group highlighting problems with the science that underlies the proposed New Source Performance Standards (NSPS) for power plants.¹ The Work Group showed that EPA rushed ahead with its costly power plant proposal without waiting for the advice of its independent science advisors and that the underlying science lacked adequate peer review.²

These discoveries raised serious questions about EPA's proposed rule and clearly merited further review. However, when these concerns were raised, a senior official in the EPA Air Office sought to distance the Agency from the criticisms leveled by the SAB Work Group. Specifically, the EPA claimed that the NSPS is not "setting any requirements on sequestration and not providing any analysis as such because we don't speak to the sequestration."³ The claim that the rule doesn't need to address storage concerns highlights your Agency's continued lack of transparency and consistent attempts to avoid accountability.

¹ Standards of Performance for Greenhouse Gas Emission from New Stationary Sources: Electric utility Generating Units (Sept. 20, 2013).

² Memorandum from SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science to Members of the Chartered SAB and SAB Liaisons, Nov. 12, 2013.

³ *SAB Suggests Dropping Review Of CCS In Utility NSPS After EPA Pushback*, InsideEPA, Dec. 5, 2013 (quoting Peter Tsirigotis, Director, Sector Policies and Programs Division, Office of Air and Radiation, US EPA).

While the Agency admitted that there are some unanswered scientific issues regarding carbon capture and storage (CCS) systems, the official noted that “most of those things are outside of this rulemaking.”⁴ Because long-term geologic storage encompasses new science and lacks a proven regulatory framework,⁵ EPA attempted to avoid the obvious questions regarding storage of carbon. In particular, EPA deflects the concerns raised by its science advisors by claiming that the charges of inadequate peer-review relate to studies beyond the scope of the NSPS proposal. In other words, EPA wants people to believe that the rule’s regulatory footprint only covers carbon capture, without addressing what happens to the captured carbon.

The Agency’s distinction rings hollow. The new mandates in the NSPS rule will create regulatory burdens and litigation risks that could make carbon dioxide from power plants no longer economically viable for use in enhanced oil recovery (EOR) operations. But since EOR is currently the only way to comply with the new power plant rule,⁶ this would impede both the practical operation of the rule and erect unnecessary barriers to the use of EOR. As you know, the Committee has already raised concerns with the Agency’s premature declaration of “adequate demonstration” of CCS under the Clean Air Act; unintended burdens on EOR further complicate the analysis.

In order to operate as intended, the proposed NSPS rule demands that carbon captured by CCS technology be made available for use in EOR. In fact, EPA notes in the proposed rule that “the cost of ‘full capture’ CCS without EOR is outside the range of costs that companies are considering for comparable generation and therefore should not be considered [a Best System of Emissions Reduction] for CO₂ emissions for coal-fired power plants.”⁷ Further, EPA recently argued before the U.S. Supreme Court that its Clean Air Act authority should “ensure that the reductions that had to take place were done in the most cost-effective manner possible.”⁸

The importance of being able to use carbon dioxide from power plants in EOR operations was confirmed at the Science Committee’s October 29, 2013, hearing on the NSPS proposal. The hearing identified a range of concerns about whether the CCS technology necessary to comply with the proposed rule is commercially ready. In response to our concerns, we were assured that the use of carbon dioxide in EOR operations would be an important part of the way that the NSPS rule would function. For example, Kurt Waltzer, of the Clean Air Task Force, stated that “wide use of carbon dioxide captured from power and industrial plants is vital to expanded use of [EOR] in the U.S. that will increase U.S. oil production and decrease dependence on foreign oil.”⁹

Furthermore, testimony in our October hearing made the point that the cost of CCS related operations will be an important part of whether the rule, and the President’s larger climate

⁴*Id.*

⁵ In fact, no one has ever successfully obtained the necessary permit to permanently store carbon dioxide under EPA’s Class VI injection wells. Consequently, Enhanced Oil Recovery (EOR) is currently the only means of satisfying the terms of the NSPS mandate.

⁶ See *supra* at n. 4.

⁷ Standards of Performance for Greenhouse Gas Emission from New Stationary Sources: Electric Utility Generating Units (Sept. 20, 2013), prepublication version at 30-31.

⁸ Transcript of US EPA, et al. v. EME Homer City Generation, L.P., et al., (U.S. Dec. 10, 2013)(No. 12-1182)(argument of Deputy Solicitor General on behalf of EPA) at 32.

⁹ *EPA Power Plant Regulations: Is the Technology Ready?*, Subcomm. On Env. Of the H. Comm. On Science, Space, and Technology, 113th Cong. (Oct. 29, 2013) (testimony of Kurt Walzer at 2).

initiatives, can operate effectively. Charles McConnell, from Rice University and a former Assistant Secretary of Energy in the Obama Administration, explained that the President's carbon-related objectives "can only be achieved through the broad global deployment of low cost, commercially viable technology for capturing and permanently and safely storing/utilizing CO₂ from all fossil energy sources."¹⁰

Indeed, the most widely cited example of a CCS development project—the Kemper County, Mississippi project—is predicated on integrating carbon capture with state-of-the-art use of the carbon for EOR purposes. When you testified before our Committee on November 14th, the only domestic project you could name was, in fact, this same project. Although there have been significant delays and cost-overruns, as with any untested technology, we believe the Kemper County project holds promise and will advance our understanding of the science and economics of CCS. However, given the prohibitions of the Energy Policy Act of 2005 (EPA),¹¹ this project alone cannot form the basis of adequate demonstration under the Act. Moreover, the encumbrances the NSPS rule unnecessarily places on EOR operations further calls into question whether Kemper can be the basis for such a regulation.

Given the importance EPA places on using EOR to offset the incredible costs of CCS technologies,¹² we are confounded as to why the NSPS rule includes language that would impose new regulatory burdens on EOR operators who seek to use carbon captured from power plants. Specifically, the proposal would require EOR operators to meet new reporting obligations under Subpart RR of the Greenhouse Gas (GHG) reporting rules.¹³ Although these Subpart RR reporting rules have always been voluntary, the NSPS would make them mandatory for EOR operators. With this new requirement the EPA quietly declares war on EOR.

This new Agency mandate—placed only on carbon captured to satisfy the NSPS rule for power plants—creates a variety of new regulatory costs. For example, Subpart RR reporting requires that operators draft and obtain EPA approval for monitoring, reporting, and verification (MRV) plans. Not only will such MRV plans be costly to create and administer, the process for approving these plans is likely to result in litigation that will add both costs and delays for EOR operators.

All of these burdens are being imposed on an industry unrelated to power plants and with no clear justification. As EPA noted in the 2010 final GHG rule, the reporting mandates do not directly advance public health.¹⁴ These unnecessary additional costs and delays would be avoided if EPA continued to allow EOR operators accepting power plant CO₂ to report under Subpart UU, which EPA identified in its final GHG reporting rule as the more appropriate for EOR operators.¹⁵

¹⁰ *EPA Power Plant Regulations: Is the Technology Ready?*, Subcomm. On Env. Of the H. Comm. On Science, Space, and Technology, 113th Cong. (Oct. 29, 2013) (testimony of Charles D. McConnell at 3).

¹¹ 42 U.S.C. § 15962(i). See also Letter from Chairman Lamar Smith to Administrator McCarthy, Nov. 6, 2013.

¹² Standards of Performance for Greenhouse Gas Emission from New Stationary Sources: Electric utility Generating Units (Sept. 20, 2013), prepublication version at 30-31.

¹³ *Id.* at 279.

¹⁴ Instead, the Agency claimed that the "greatest benefit of mandatory reporting...will be realized in developing future GHG policies." Mandatory Reporting of Greenhouse Gases: Injection and Geologic Sequestration of Carbon Dioxide; Final Rule, 75 Fed. Reg. 75,060 (Dec. 1, 2010) at 75,075.

¹⁵ *Id.* at 75,076.

Further, the NSPS mandates that the EPA imposes on EOR operators are not the only new regulatory burdens operators must shoulder. The NSPS rule must be placed in the context of other rules EPA is pushing through. For example, the Office of Management and Budget has completed its review of an EPA final rule that addresses whether compressed carbon dioxide should be treated as a hazardous waste under the Resource Conservation and Recovery Act (RCRA). We understand that this rule would potentially grant conditional exclusions to particular types of carbon dioxide streams.

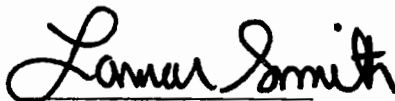
While, such a rule seems sensible, it may in fact create substantial uncertainties. For example despite their constructive and commercially important use in EOR, EPA's rule may classify these carbon dioxide streams as "solid waste." Practically speaking, that would mean exposing EOR operators to potential liability under RCRA. If the Agency merely creates a narrow carve-out for Class VI storage wells, it may fail to protect the use of carbon dioxide incidentally stored or injected for EOR purposes. The Agency must ensure that RCRA doesn't create additional obstacles to the use of anthropogenic carbon for EOR activities. The EPA cannot afford to ignore the complex consequences of its rules in real-world applications. Ultimately, the American people will bear the burden if the Agency ignores the cumulative effects of the rule-making web EPA continues to weave.

It is unacceptable that the Agency's power plant rule would create new obstacles to the very technology that the rule purports to advance. Accordingly, we look forward to your explanation regarding the justification for including the new reporting requirements in the proposed rule. We also request any analysis prepared by EPA on the costs associated with this specific provision and how those costs may affect the economic viability of the use of power plant CO₂ in EOR operations. Clearly, this rule covers the entire system of emissions reductions, and as such, EPA must address both the feasibility of new capture technologies and the unanswered concerns about storage of captured carbon.

The EPA's proposed power plant regulations will put Americans out of work and will make electricity more expensive and less reliable. It is misleading and dangerous for EPA to quietly dismiss inconvenient facts and ignore the real-world consequences of its costly regulations. Americans deserve honesty.

Thank you for your prompt attention to this matter.

Sincerely,



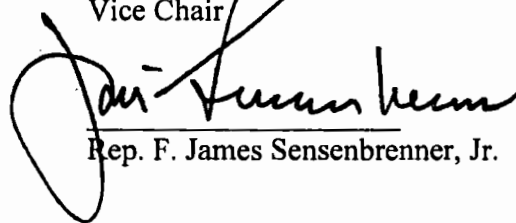
Lamar Smith
Chairman




Rep. Ralph M. Hall

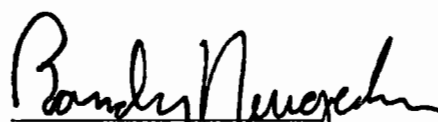


Rep. Dana Rohrabacher
Vice Chair

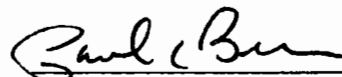


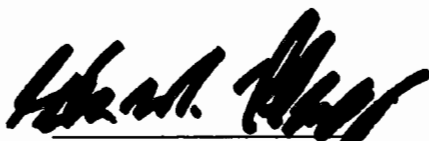
Rep. F. James Sensenbrenner, Jr.

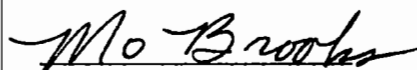

Rep. Frank D. Lucas

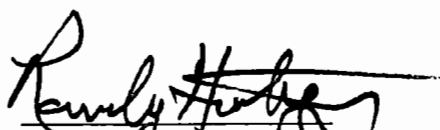

Rep. Randy Neugebauer


Rep. Michael T. McCaul

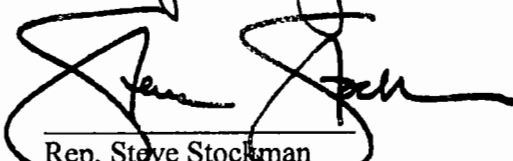

Rep. Paul C. Broun

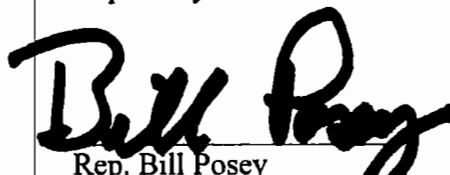

Rep. Steven M. Palazzo


Rep. Mo Brooks

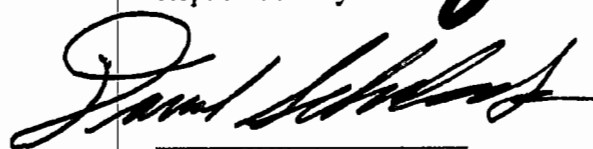

Rep. Randy Hultgren


Rep. Larry Bucshon

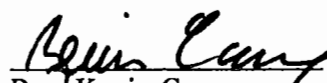

Rep. Steve Stockman

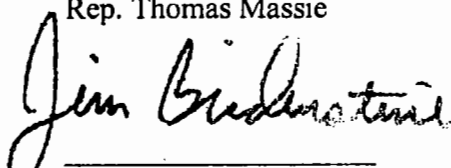

Rep. Bill Posey

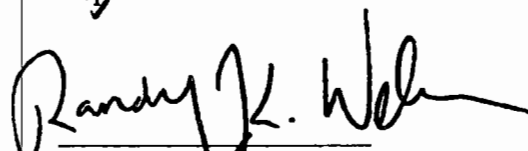

Rep. Cynthia Lummis


Rep. David Schweikert


Rep. Thomas Massie


Rep. Kevin Cramer


Rep. Jim Bridenstine


Rep. Randy Weber


Rep. Chris Collins

cc: David T. Allen, Chair, Science Advisory Board.
James R. Mihelcic, Chair, Science Advisory Board Work Group on EPA Planned Actions
Rep. Eddie Bernice Johnson, Ranking Member, Committee on Science, Space, and Technology



AC-14-000-8542

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 2 2014

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Michael McCaul
Chairman
Committee on Homeland Security
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am pleased to inform you of the availability of the Environmental Protection Agency's *FY 2014-FY 2018 Strategic Plan* at: <http://www2.epa.gov/planandbudget/strategicplan>.

The *EPA FY 2014-2018 Strategic Plan*, a periodic update required by the GPRA (Government Performance and Results Act) Modernization Act of 2010 (Public Law 11-352), provides a blueprint for accomplishing our priorities for the next four years. The *Plan* presents five strategic goals for advancing our environmental and human health mission outcomes, accompanied by four cross-agency strategies that seek to focus EPA's work to meet the growing environmental protection needs of the day. We will continue to affirm our core values of science, transparency, and the rule of law in addressing our priorities.

We look forward to working with you to achieve a cleaner and healthier environment for all Americans.

Sincerely,

A handwritten signature in cursive script, reading "Maryann Froehlich".

Maryann Froehlich
Acting Chief Financial Officer

Identical letter to:
The Honorable Bennie G. Thompson
Ranking Member

AL-14-000-8212

**THE WHITE HOUSE OFFICE
REFERRAL**

April 09, 2014

TO: ENVIRONMENTAL PROTECTION AGENCY

ACTION COMMENTS:

ACTION REQUESTED: DIRECT REPLY W/COPY

REFERRAL COMMENTS:

DESCRIPTION OF INCOMING:

ID: 1135887

MEDIA: EMAIL

DOCUMENT DATE: April 04, 2014

TO: PRESIDENT OBAMA

FROM: THE HONORABLE PATRICK MEEHAN
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

SUBJECT: URGES THE PRESIDENT TO ENSURE PROMPT PROMULGATION OF THE
FINAL 2014 RENEWABLE FUEL STANDARD (RFS) STANDARDS

COMMENTS:

**PROMPT ACTION IS ESSENTIAL – IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT,
UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT (202) 456-2590.**

**RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT,
ROOM 63, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500**

**THE WHITE HOUSE
DOCUMENT MANAGEMENT AND
TRACKING WORKSHEET**



DATE RECEIVED: April 09, 2014

CASE ID: 1135887

NAME OF CORRESPONDENT: THE HONORABLE PATRICK MEEHAN

SUBJECT: URGES THE PRESIDENT TO ENSURE PROMPT PROMULGATION OF THE FINAL 2014 RENEWABLE FUEL STANDARD (RFS) STANDARDS

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION	
		CODE	DATE	TYPE RESPONSE	CODE DATE COMPLETED
LEGISLATIVE AFFAIRS	KATIE FALLON	ORG	04/09/2014		

ACTION COMMENTS:

✓ ENVIRONMENTAL PROTECTION AGENCY R 04/09/2014

ACTION COMMENTS:

ACTION COMMENTS:

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COMMENTS: 49 ADDL SIGNEES

MEDIA TYPE: EMAIL

USER CODE:

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ACTION CODES		DISPOSITION	
A = APPROPRIATE ACTION B = RESEARCH AND REPORT BACK D = DRAFT RESPONSE I = INFO COPY/NO ACT NECESSARY R = DIRECT REPLY W/ COPY ORG = ORIGINATING OFFICE	TYPE RESPONSE	DISPOSITION CODES	COMPLETED DATE
	INITIALS OF SIGNER (W.H. STAFF) NRN = NO RESPONSE NEEDED OTBE = OVERTAKEN BY EVENTS	A = ANSWERED OR ACKNOWLEDGED C = CLOSED X = INTERIM REPLY	DATE OF ACKNOWLEDGEMENT OR CLOSEOUT DATE (MM/DD/YY)

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES

REFER QUESTIONS TO DOCUMENT TRACKING UNIT (202)-456-2590

SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT ROOM 63, EEOB.

Congress of the United States
Washington, DC 20515

April 4, 2014

President Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. President,

The Environmental Protection Agency's (EPA or the Agency) recent proposal to lower the Renewable Fuel Standard (RFS) volume requirements for 2014 was a necessary and welcome acknowledgement of the economic, environmental and infrastructure barriers facing the RFS program. The Agency's recent statement that it does not expect to issue a final rule until the summer of 2014, however, is a troubling development with significant economic consequences. In fact, news of a potential delay jolted the market, sent the cost of RINS up by 60% in one day and could create upward pressure on gas prices as we get closer to the spring and summer seasons.

For the reasons outlined below, we urge you to ensure that a final rule setting RFS standards for 2014 be promulgated as soon as possible and no less than sixty (60) days prior to the compliance deadline for the 2013 RFS standards.

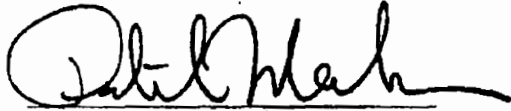
The statutory deadline for promulgation of annual RFS requirements is November 30 of the prior year so that regulated parties can make important business decisions that affect the method and cost of compliance. EPA has already missed this deadline for the 2014 standards. It did not publish the *proposed* 2014 standards until November 29, 2013 - just one day before the statutory deadline for promulgation of a *final* rule. Following a sixty (60) day public comment period that closed on January 28, 2014, the Agency released a statement indicating that it expects to issue a final rule "by the summer of 2014," months after the statutory deadline.

Failure to issue a final 2014 rule well before the compliance deadline for the 2013 RFS standards is inconsistent with prior statements from the EPA, creates significant, unnecessary uncertainty for regulated parties, and adversely affects all stakeholders - renewable fuel producers, petroleum refiners and importers, and the consuming public. Every day the final rule is delayed is another day of uncertainty for all stakeholders, ultimately harming consumers of gasoline and other refined products the most.

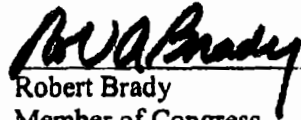
EPA published the final 2013 RFS standards on August 15, 2013, more than eight (8) months late and applied them retroactively to January 1, 2013. In that final rule, the Agency extended the 2013 compliance deadline from February 28, 2014 to June 30, 2014. EPA correctly acknowledged the importance of having the 2014 final rule promulgated *before* regulated parties have to demonstrate compliance with the 2013 standards and provided this explanation for the extension: *"EPA chose this date both to provide additional time for a compliance demonstration and because we anticipate issuing a final rule establishing the 2014 RFS standards as soon as possible before that date. Establishing a 2013 compliance deadline on a date that occurs after promulgation of the final rule setting the 2014 standards should allow obligated parties to take their 2014 obligations into consideration as they determine how to utilize RINs for 2013 compliance."*

Prompt promulgation of a final 2014 RFS rule well before the compliance deadline for the 2013 rule is in the best interest of all stakeholders and we urge you to ensure prompt, timely promulgation of the final 2014 RFS standards.

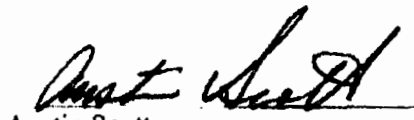
Sincerely,



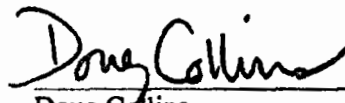
Patrick Meehan
Member of Congress



Robert Brady
Member of Congress



Austin Scott
Member of Congress



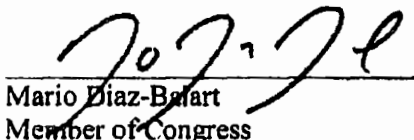
Doug Collins
Member of Congress



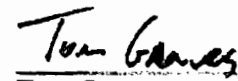
Keith Rothfus
Member of Congress



Phil Gingrey
Member of Congress




Mario Diaz-Balart
Member of Congress



Tom Graves
Member of Congress



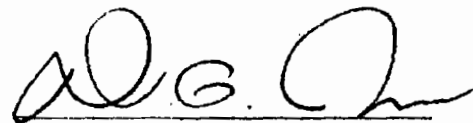
Joe Heck
Member of Congress



Scott Rigell
Member of Congress



Pete Olson
Member of Congress



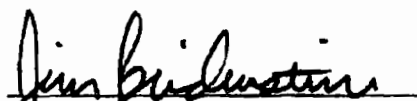
Dennis Ross
Member of Congress

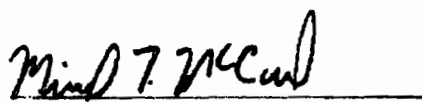


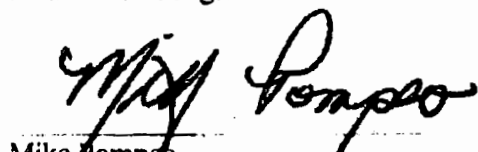
Chuck Fleischmann
Member of Congress

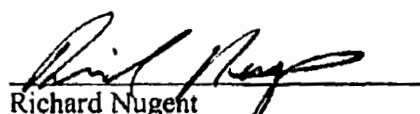


James Lankford
Member of Congress

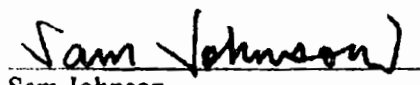

Jim Bridenstine
Member of Congress

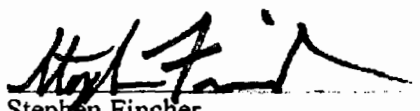

Michael McCaul
Member of Congress

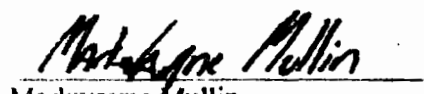

Mike Pompeo
Member of Congress

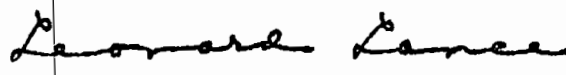

Richard Nugent
Member of Congress

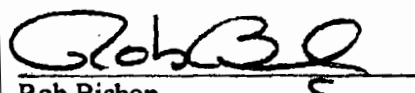

Mike Kelly
Member of Congress

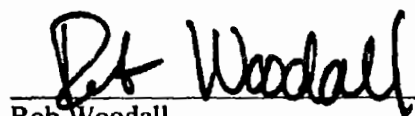

Sam Johnson
Member of Congress


Stephen Fincher
Member of Congress

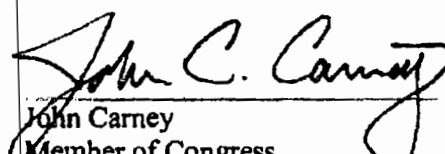

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Member of Congress

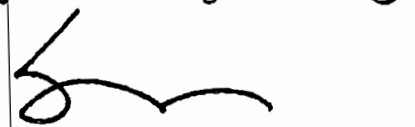

Leonard Lance
Member of Congress

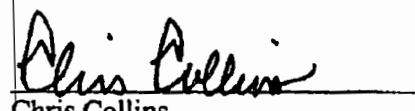

Rob Bishop
Member of Congress

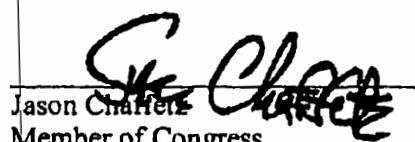

Rob Woodall
Member of Congress


Billy Long
Member of Congress


John Carney
Member of Congress

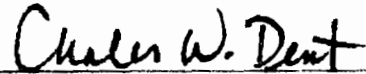

Steve Womack
Member of Congress


Chris Collins
Member of Congress


Jason Chaffetz
Member of Congress



Tom Cole
Member of Congress



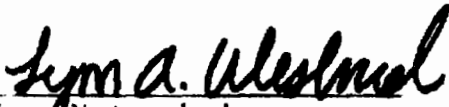
Charlie Dent
Member of Congress



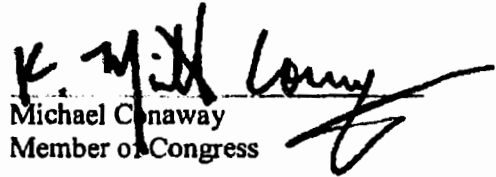
Jim Gerlach
Member of Congress



Paul Broun
Member of Congress



Lynn Westmoreland
Member of Congress



Michael Conaway
Member of Congress



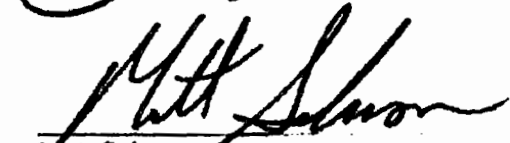
Michael Fitzpatrick
Member of Congress



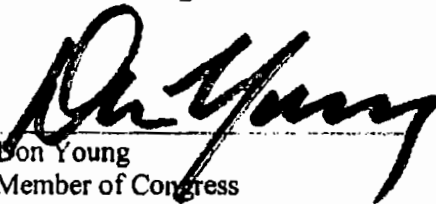
Jack Kingston
Member of Congress



Steve Chabot
Member of Congress



Matt Salmon
Member of Congress



Don Young
Member of Congress



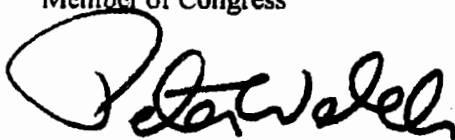
Mike Simpson
Member of Congress



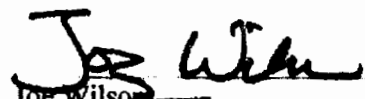
Bob Goodlatte
Member of Congress



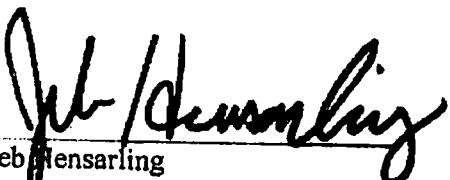
Rodney Frelinghuysen
Member of Congress

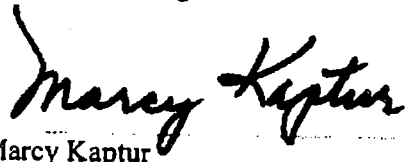



Peter Welch
Member of Congress

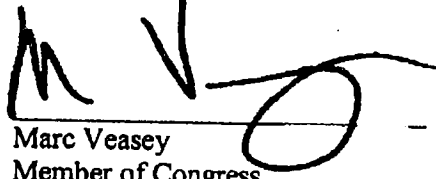


Joe Wilson
Member of Congress


Jeb Hensarling
Member of Congress


Marcy Kaptur
Member of Congress


Jim Matheson
Member of Congress


Marc Veasey
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 17 2014

OFFICE OF
AIR AND RADIATION

The Honorable Michael T. McCaul
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McCaul:

Thank you for your letter dated April 4, 2014, to President Barack Obama concerning the U.S. Environmental Protection Agency's proposal to reduce the 2014 federal volume mandates under the Renewable Fuels Standard (RFS) program, and urging the EPA to promulgate the final standards as soon as possible.

The EPA is currently working to issue the final RFS volume standards for 2014 as quickly as possible. We recognize that the process for issuing the annual RFS volume standards needs to get back on the schedule established by the law. To that end, we are currently considering how to improve the annual RFS rule development process in order to meet the statutory deadlines in the future. That said, the RFS touches on a range of complex environmental, energy and agricultural issues, and many of the topics we are addressing in the 2014 proposed rulemaking are novel and complex.

As you know, on November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013.

The EPA sought input on many aspects of the proposed rule, including the methodology for determining volumes. The comment period for the proposal ended on January 28, 2014, and we received over 300,000 comments. We are currently in the process of reviewing those comments and assessing new data that will help inform the final rule. Reviewing and incorporating information from these comments and from the most recent data takes time, but we anticipate issuing the final 2014 RFS volumes before the end of June.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", with a stylized flourish at the end.

Janet G. McCabe
Acting Assistant Administrator

AL-15-001-2055

Congress of the United States
Washington, DC 20515

July 28, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington D.C., 20460

Dear Administrator McCarthy,

We are concerned that the Environmental Protection Agency (EPA) has proposed new ozone National Ambient Air Quality Standards (NAAQS) before completing implementation of the existing ozone standards. Between 1980 and 2013, U.S. Gross Domestic Product, population, and energy consumption grew substantially, while air emissions dropped significantly. Moving forward, EPA projects air quality will continue to substantially improve over the next ten years through various federal controls including state and industry efforts to implement the current 2008 ozone standard. EPA can support economic growth while continuing the decades-long trend towards cleaner air by maintaining the existing 75 ppb ozone standard and allowing time for our constituents to fully implement current clean air requirements.

EPA data indicates that the air is cleaner today than it has been in thirty years, progress due in large part to control measures associated with past NAAQS standards. This success shows that ozone NAAQS when given an opportunity to be fully implemented produce significant reductions. Companies seeking to build or expand facilities invest significantly in control processes. If a proposed standard cannot be met, nonattainment areas would be required to implement costly ozone-reduction measures and permitting requirements that could prove technologically difficult. Moreover, EPA acknowledges that there are alternative views on health effects evidence and risk information. Due to all these uncertainties, allowing the current standard to take full effect would alleviate any perceived concerns with measured scientific data and allow EPA time to further consider those uncertainties while still protecting air quality.

EPA's ozone rules affect all aspects of our communities and municipalities, including consumers and vital industries. EPA openly acknowledges that to meet national air quality standards a partnership is required between the federal government, states, localities and industry. Yet, the timing of EPA's proposal could strain state and local government resources. EPA delayed implementing the current 2008 standard for two years while it decided whether to reconsider that standard. EPA is just now providing states with guidance to implement the 2008 standard, and the state-federal clean air partnership should be allowed an opportunity to work.

The Honorable Gina McCarthy
July 28, 2015
Page 2

Indeed, states are currently investing substantial administrative resources to make up lost time. It could prove burdensome to force states to implement a new ozone standard at the same time they are only starting to implement the current one. We believe allowing sufficient time for existing measures to take hold, before setting a new ozone standard, would yield the desired results EPA is currently seeking.

While we recognize that EPA is under court order to complete its review of the ozone NAAQS, EPA has requested comment on maintaining the existing standard. We believe the full implementation of a standard of 75 ppb is in line with EPA goals and the ideals set forth under the Clean Air Act and, could possibly, by the next five year review, achieve lower emissions standards than originally sought. It is clear from the past that ozone standards can only achieve the desired results if they are allowed time to be fully implemented. EPA should keep in mind the newly laid out requirements in the delayed 2008 ozone NAAQS when considering whether to finalize a new, potentially stricter, standard. Therefore, we request EPA allow time for the benefits of the current ozone standard to become effective by retaining the current ozone standard.



Sincerely,

Robert E. Latta
Member of Congress



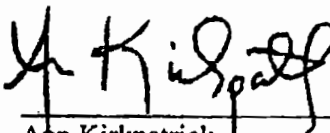
Gene Green
Member of Congress



Mike Kelly
Member of Congress




Pete Olson
Member of Congress



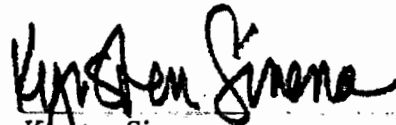
Ann Kirkpatrick
Member of Congress



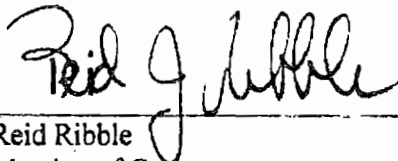
Kevin Cramer
Member of Congress



Jim Bridenstine
Member of Congress



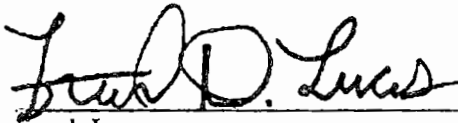
Kyrsten Sinema
Member of Congress



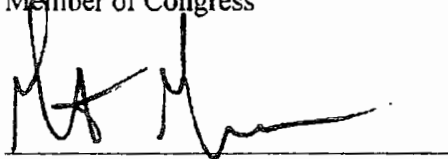
Reid Ribble
Member of Congress



Bill Johnson
Member of Congress



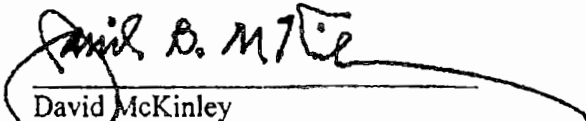
Frank Lucas
Member of Congress



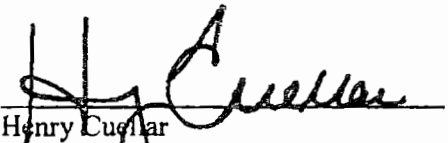
Garrett Graves
Member of Congress



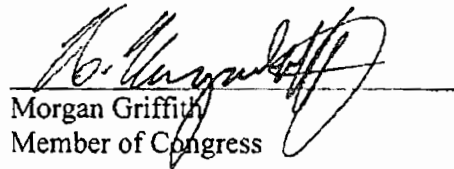
Richard Hudson
Member of Congress



David McKinley
Member of Congress



Henry Cuellar
Member of Congress



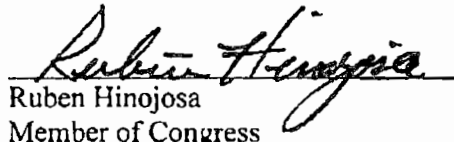
Morgan Griffith
Member of Congress



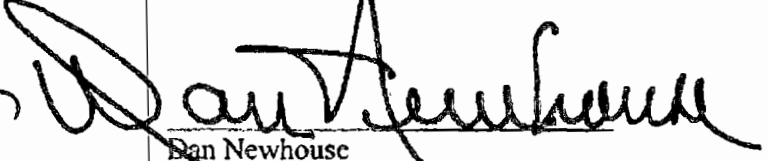
Glenn Grothman
Member of Congress



Rodney Davis
Member of Congress



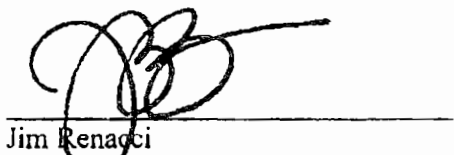
Ruben Hinojosa
Member of Congress



Dan Newhouse
Member of Congress



Steve Chabot
Member of Congress



Jim Renacci
Member of Congress



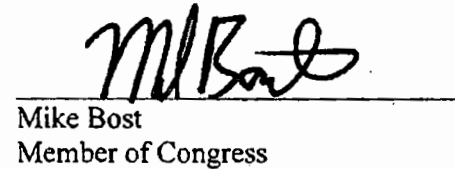
Ralph Abraham
Member of Congress



Steve Knight
Member of Congress



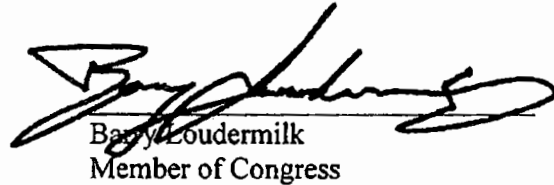
Gary Palmer
Member of Congress



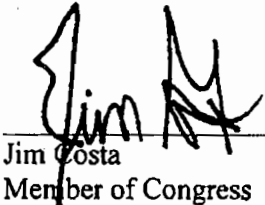
Mike Bost
Member of Congress



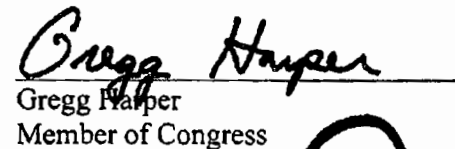
Thomas Massie
Member of Congress



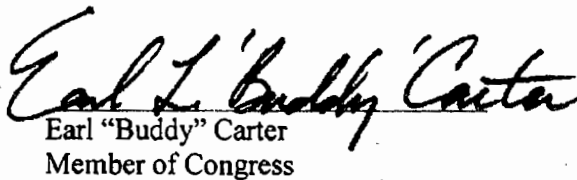
Beryl Loudermilk
Member of Congress



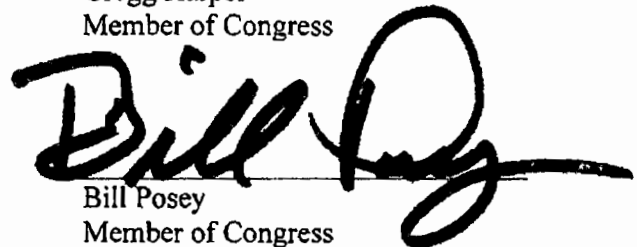
Jim Costa
Member of Congress



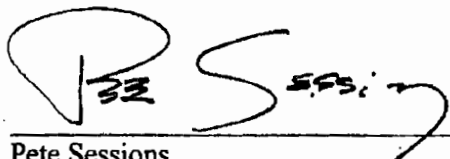
Gregg Harper
Member of Congress



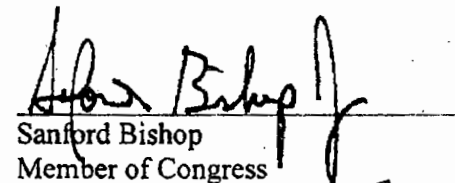
Earl "Buddy" Carter
Member of Congress



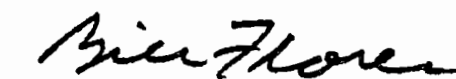
Bill Posey
Member of Congress



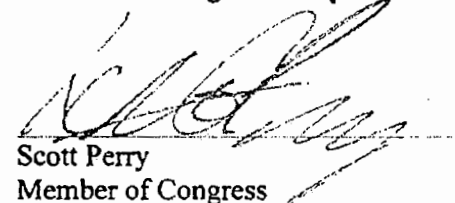
Pete Sessions
Member of Congress



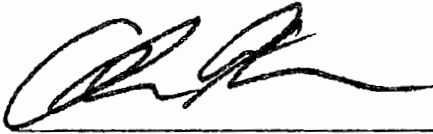
Sanford Bishop
Member of Congress



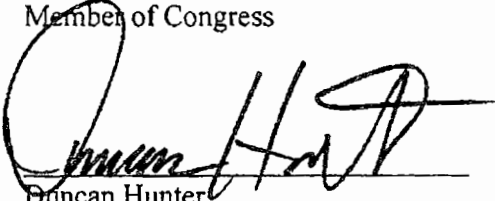
Bill Flores
Member of Congress



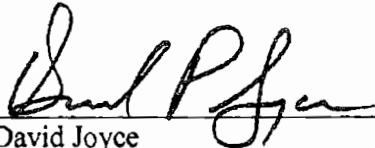
Scott Perry
Member of Congress



Adam Kinzinger
Member of Congress



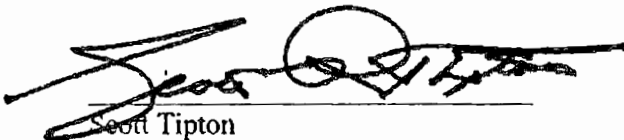
Duncan Hunter
Member of Congress



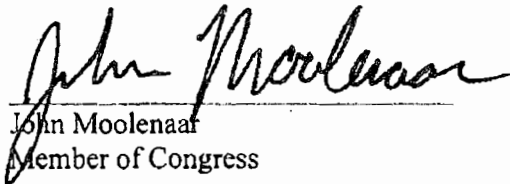
David Joyce
Member of Congress



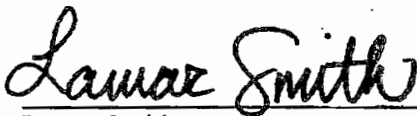
Bob Gibbs
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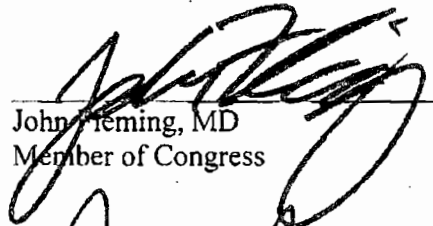
Scott Tipton
Member of Congress



John Moolenaar
Member of Congress



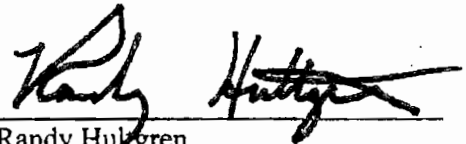
Lamar Smith
Member of Congress



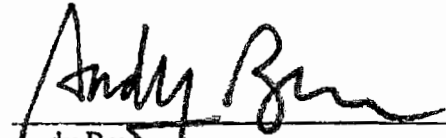
John Fleming, MD
Member of Congress



Brian Babin
Member of Congress



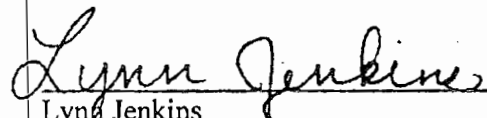
Randy Hultgren
Member of Congress



Andy Barr
Member of Congress



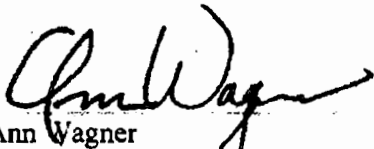
Al Green
Member of Congress

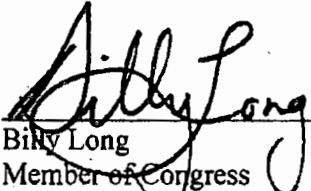


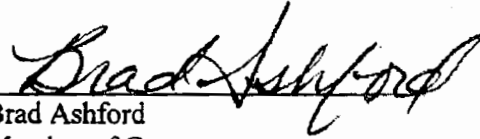
Lynn Jenkins
Member of Congress




Stephen Fincher
Member of Congress



Ann Wagner
Member of Congress

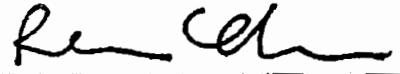

Billy Long
Member of Congress

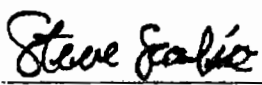

Brad Ashford
Member of Congress

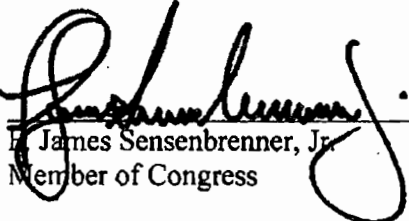

Ken Buck
Member of Congress

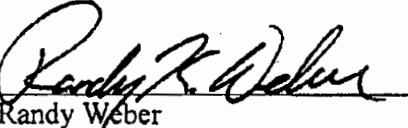

Susan Brooks
Member of Congress



Evan Jenkins
Member of Congress

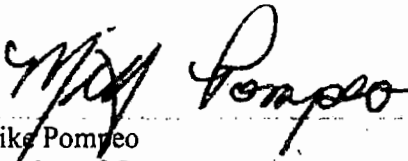

Renee Ellmers
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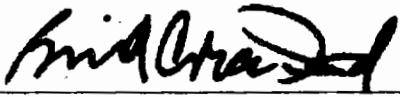

Steve Scalise
Member of Congress


James Sensenbrenner, Jr.
Member of Congress

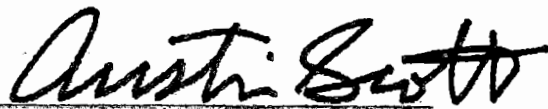

Randy Weber
Member of Congress


Brett Guthrie
Member of Congress


Mike Pompeo
Member of Congress


Rick Crawford
Member of Congress

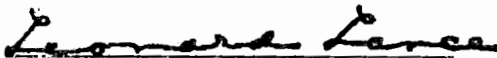

Tim Ryan
Member of Congress



Austin Scott
Member of Congress



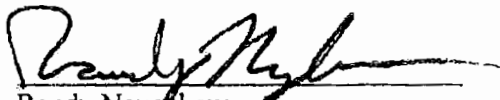
Hal Rogers
Member of Congress



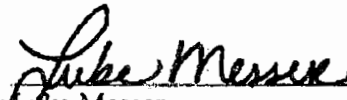
Leonard Lance
Member of Congress



Walter B. Jones
Member of Congress



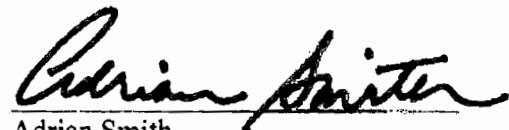
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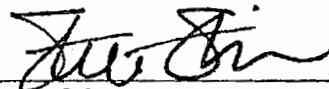
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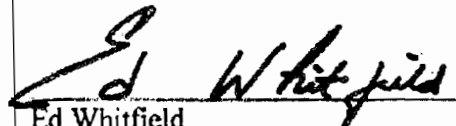
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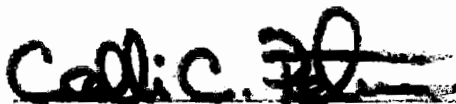
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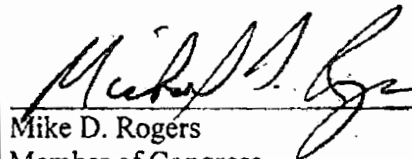
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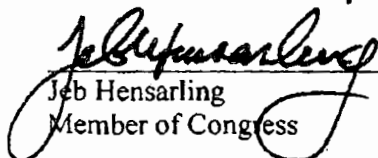
Ed Whitfield
Member of Congress



Collin Peterson
Member of Congress



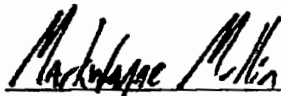
Mike D. Rogers
Member of Congress



Jeb Hensarling
Member of Congress



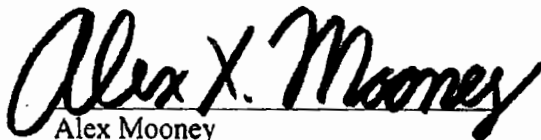
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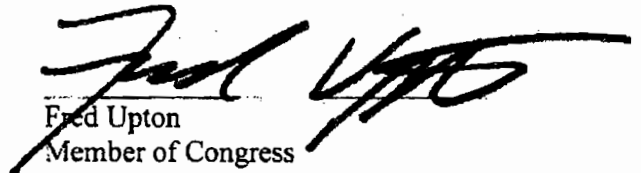
Markwayne Mullin
Member of Congress



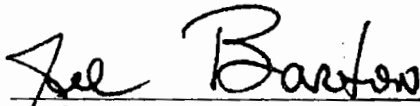
Rob Woodall
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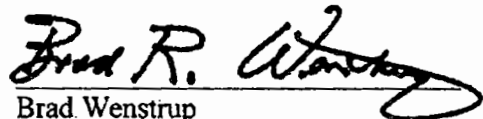
Alex Mooney
Member of Congress



Fred Upton
Member of Congress



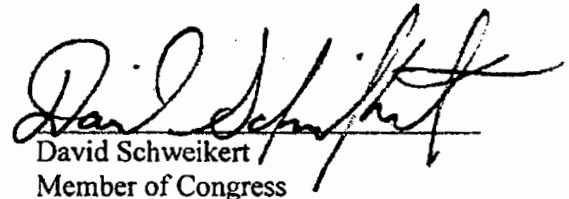
Joe Barton
Member of Congress



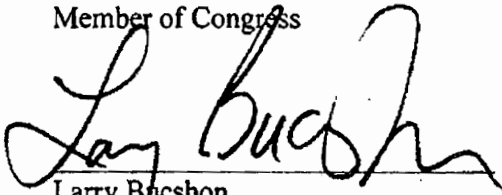
Brad Wenstrup
Member of Congress



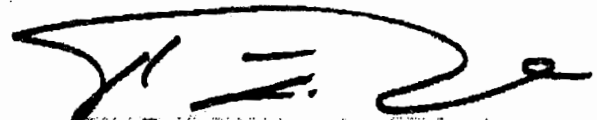
Chuck Fleischmann
Member of Congress



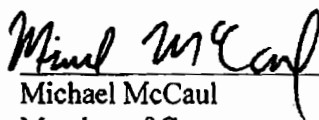
David Schweikert
Member of Congress



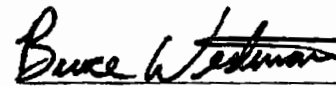
Larry Bucshon
Member of Congress



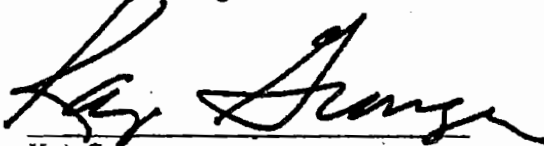
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Member of Congress



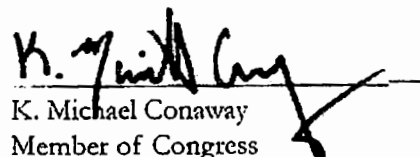
Michael McCaul
Member of Congress



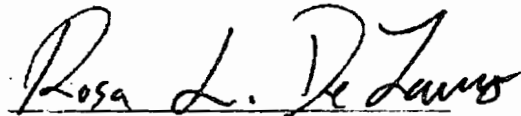
Bruce Westerman
Member of Congress




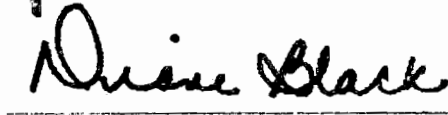
Kay Granger
Member of Congress



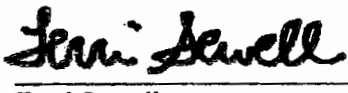
K. Michael Conaway
Member of Congress

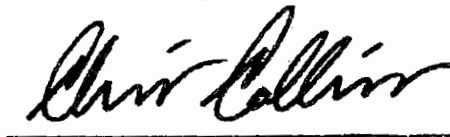

Rosa DeLauro
Member of Congress

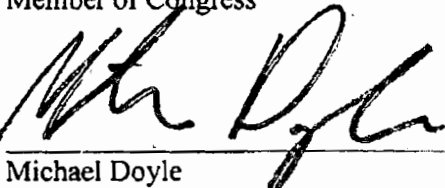

John Stankus
Member of Congress



Diane Black
Member of Congress

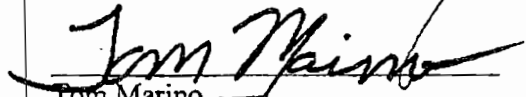

Gus M. Bilirakis
Member of Congress



Terri Sewell
Member of Congress

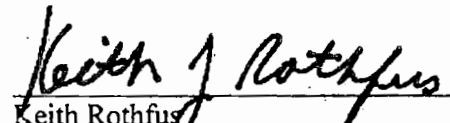

Chris Collins
Member of Congress

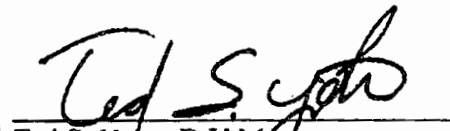

Michael Doyle
Member of Congress

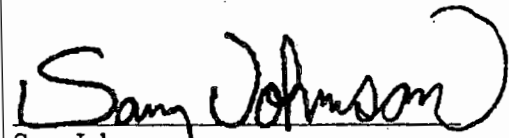

Doug Collins
Member of Congress



Tom Marino
Member of Congress

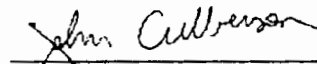

David Rouzer
Member of Congress


Keith Rothfus
Member of Congress

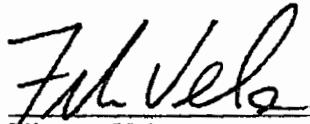

Ted S. Yoho, D.V.M.
Member of Congress


Sam Johnson
Member of Congress

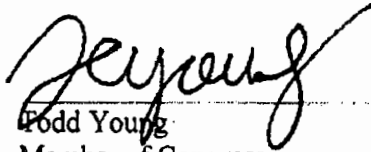

Sean P. Duffy
Member of Congress



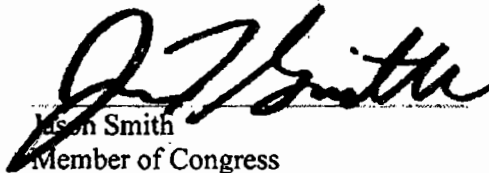
John Culberson
Member of Congress



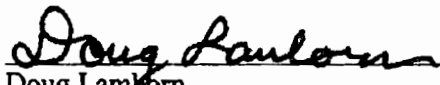
Filemon Vela
Member of Congress



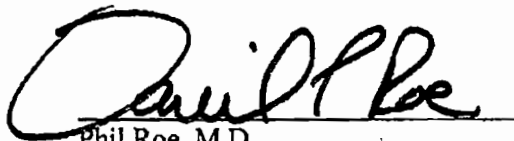
Todd Young
Member of Congress



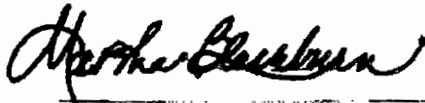
Jason Smith
Member of Congress



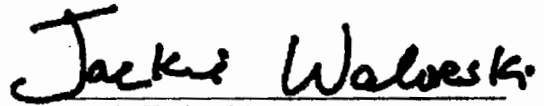
Doug Lamborn
Member of Congress



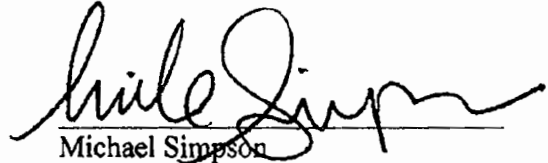
Phil Roe, M.D.
Member of Congress



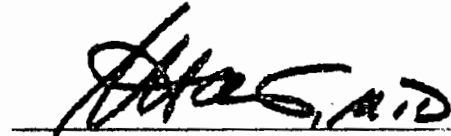
Marsha Blackburn
Member of Congress



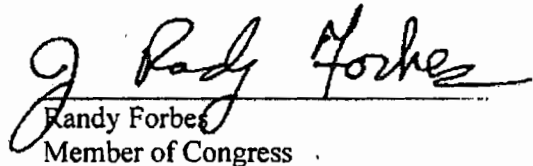
Jackie Walorski
Member of Congress



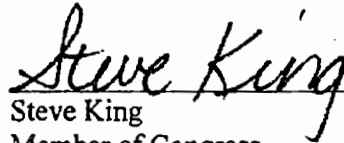
Michael Simpson
Member of Congress



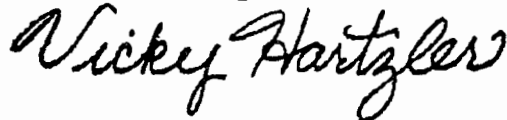
Andy Harris
Member of Congress



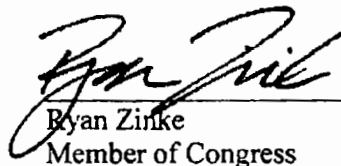
Randy Forbes
Member of Congress



Steve King
Member of Congress



Vicky Hartzler
Member of Congress



Ryan Zinke
Member of Congress



Will Hurd
Member of Congress



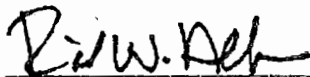
Kevin Brady
Member of Congress



Lou Barletta
Member of Congress



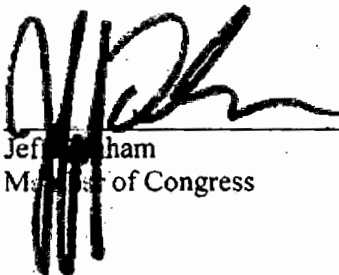
Blaine Luetkemeyer
Member of Congress



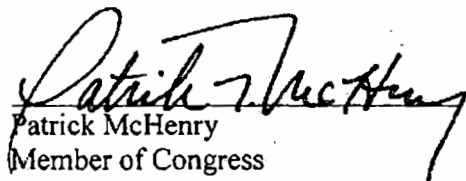
Rick Allen
Member of Congress



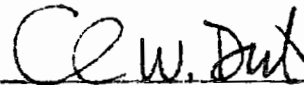
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Member of Congress



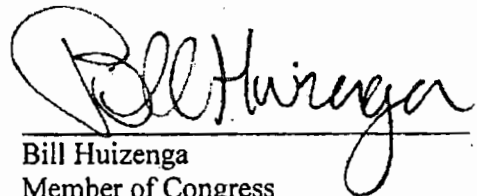
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Member of Congress



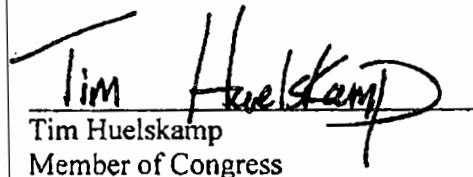
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Member of Congress



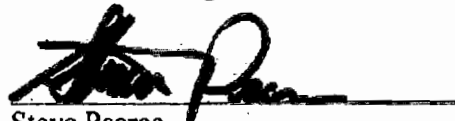
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Member of Congress



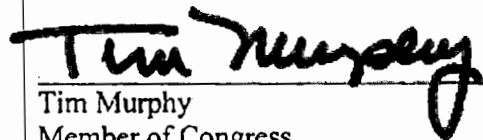
Bill Huizenga
Member of Congress



Tim Huelskamp
Member of Congress



Steve Pearce
Member of Congress



Tim Murphy
Member of Congress



Dan Benishek, M.D.
Member of Congress

The Honorable Gina McCarthy
July 28, 2015
Page 12

A handwritten signature in black ink, appearing to read 'Bradley Byrne', written over a horizontal line.

Bradley Byrne
Member of Congress

A handwritten signature in black ink, appearing to read 'Rod Blum', written over a horizontal line.

Rod Blum
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 22 2015

OFFICE OF
AIR AND RADIATION

The Honorable Michael McCaul
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McCaul:

Thank you for your letter of July 28, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Ozone National Ambient Air Quality Standards (NAAQS) proposed rule. The Administrator asked that I respond on her behalf.

As you know, the EPA sets NAAQS to protect public health and the environment from six common pollutants, including ground-level ozone. The Clean Air Act requires the EPA to review these standards every five years to ensure that they are sufficiently protective. On November 25, 2014, the EPA proposed to strengthen the NAAQS for ground-level ozone, based on extensive scientific evidence about ozone's effects.

As you note we have made great progress in improving air quality and public health in the United States, and it has not come at the expense of our economy. Indeed, over the past 40 years, air pollution has decreased by nearly 70 percent while the economy has tripled. The recently adopted clean air regulations you mention will certainly improve ozone levels across the country, and as a result, we expect more areas to have improved air quality in the future.

I appreciate your comments on the ozone proposal and have asked my staff to place your letter in the docket for the rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is written over a horizontal line.

Janet G. McCabe
Acting Assistant Administrator

AL-10-001-3408



Congress of the United States
House of Representatives
Washington, DC 20515-4302

August 3, 2010

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Jackson:

We write to express our concern over the Environmental Protection Agency's (EPA) recent attempts to annul the Texas Flexible Permitting Program by circumventing the Texas Commission on Environmental Quality (TCEQ) from the permitting process are very concerning. Over the years, the Flexible Permitting Program has been highly effective in reducing emissions and known pollutants while allowing the industries in Texas to stay competitive.

The Texas Permitting Program has proven to be successful, allowing Texas to be a national leader in reducing pollution. Since 2000, the state of Texas has achieved a 22 percent reduction in ozone and a 53 percent decrease in nitrogen oxide (NOx) emissions, compared to a 15 percent reduction in national ozone levels and a 27 percent reduction in national NOx levels between 2000 and 2008 despite a population growth of 3.5 million. The dismantling of this program would not only create great uncertainty in the industry but would have a devastating effect on the economy.

The TCEQ is committed to adhering to environmental laws and is working diligently to address any issues the EPA has with the Flexible Permitting Program. On June 16, 2010, the TCEQ approved proposed changes to the Flexible Permitting Program to suit the EPA's concerns. It is not known whether or not the proposed changes were taken into consideration before invalidating the Flexible Permitting Program. We encourage the EPA to review the proposed changes made by TCEQ immediately so that a resolution may be made.

We respectfully request a response to the concerns raised in this letter. Thank you for your consideration and attention to this important matter.

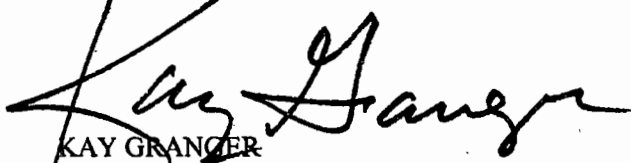
Sincerely,

A handwritten signature in black ink, appearing to read "Ted Poe", with a long horizontal flourish extending to the right.

TED POE
Member of Congress (TX-02)



JOHN CULBERSON
Member of Congress (TX-07)



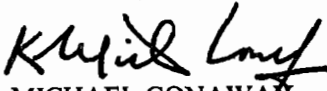
KAY GRANGER
Member of Congress (TX-12)



LOUIE GOHMERT
Member of Congress (TX-01)



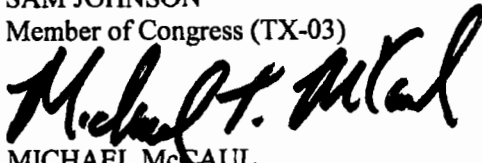
JOE BARTON
Member of Congress (TX-06)



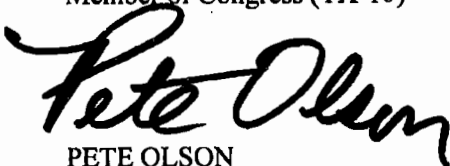
MICHAEL CONAWAY
Member of Congress (TX-11)



SAM JOHNSON
Member of Congress (TX-03)



MICHAEL McCAUL
Member of Congress (TX-10)



PETE OLSON
Member of Congress (TX-22)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

SEP 10 2010

The Honorable Michael McCaul
House of Representatives
Washington, DC 20515

Dear Congressman McCaul:

Thank you for your letter dated August 3, 2010, to the U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson regarding EPA's recent actions related to the Texas Commission on Environmental Quality's (TCEQ) air permitting program. Your letter was forwarded to me for reply because Texas is within the jurisdiction of Region 6.

Let me assure you that EPA is not seeking to circumvent or cut off the role of TCEQ in issuing air permits in Texas. Rather, EPA's goal is to ensure that the air program to be implemented by TCEQ meets the requirements of the Federal Clean Air Act (CAA). EPA is responsible for guaranteeing that the people of Texas receive the health protection they deserve – the same level of protection established for all Americans in the CAA. Unfortunately, several TCEQ air permitting rules and practices have contributed to permits that do not provide this guarantee.

This is not a new issue. As early as 1994, EPA began formally identifying concerns to the predecessor of TCEQ about whether changes to the Texas air permitting program, including the addition of the flexible permit rules, provided the same level of public health protection that is provided by federal law. EPA and the State continued this dialogue for many years without resolution. In September 2007, EPA sent letters putting companies with flexible permits on notice that we believed their permits did not comply with the federal CAA. On August 25, 2008, the Business Coalition for Clean Air, the Texas Association of Business, and the Texas Oil and Gas Association filed a complaint in federal court seeking a final resolution to this dialogue. This lawsuit resulted in a settlement requiring EPA to take action on numerous Texas air permitting provisions. One such action was the June 30, 2010, final disapproval of the flexible permit program.

In addition to these program actions, on October 30, 2009, EPA began to issue formal objections to operating permits issued by TCEQ to major sources that relied on flawed regulations and where permits did not satisfy minimum operating permit requirements. Before EPA began to issue these objections, we met with both TCEQ and industry and informed them of our intention to begin issuing such permit objections. To date, we've issued approximately 40

permit objection letters to proposed Title V operating permits. Under the CAA, a permitting authority has 90 days from the date of an EPA objection to an operating permit to correct the permit, or EPA is required to issue or deny the Title V operating permit. Until the end of June 2010, TCEQ had not responded as required by federal regulations to many of the objections EPA had issued with revised permits. Further, in a letter to EPA dated May 24, 2010, TCEQ's Executive Director wrote, "It seems the only way EPA or TCEQ will be able to understand what is expected to alleviate any Title V (operating permit) programmatic objections is for EPA to issue a Title V permit." He continued that EPA's ability to issue permits would, "ensure the timely issuance of permits." EPA made the difficult decision to begin sending federal permit applications requests because neither the source, nor TCEQ, has corrected the deficiencies identified in our Title V permit objections. EPA did not circumvent the TCEQ permitting process by requesting these Part 71 permit applications, but instead followed requirements established under the Clear Air Act. To date, EPA has requested permit applications from three companies.

You also wrote that you believe the TCEQ flexible permitting program has been successful in improving the air quality in Texas over the past 10 years. While air quality has indeed improved in Texas in recent years, as it has throughout the country, the fact remains that many Texans are living in areas where air quality does not meet federal standards set to protect the health and welfare of citizens. A permitting program that complies with the CAA is an essential part of every state's clean air program, and assures that industrial facilities contribute effectively to emission reduction goals. Air permitting rules in Texas have resulted in problems for the public and EPA, including a lack of clarity and obstacles to the practical enforceability of permits. Many of the companies with flexible air permits in Texas also operate in other states. These other states, including ones with heavy industrial activity, have not ignored the minimum protections provided by America's Clean Air Act, and these same companies have continued to operate profitably.

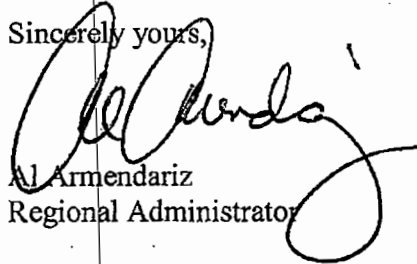
We continue to believe that TCEQ and EPA can work together to find common ground for a permitting program that meets federal requirements, as well as the needs of the public and business community in Texas. We provided TCEQ comments on its flexible permit proposed rule changes on August 2, 2010; we are working cooperatively with TCEQ and a number of companies, including oil refiners and petrochemical companies, to begin the process of correcting their permits through submittal of revised permits to TCEQ; and EPA took the initiative to create a series of open meetings with industry to discuss these issues and we will

continue to meet with any business seeking to resolve ongoing compliance issues. The result will be state and federally enforceable permits that include clear unit-specific emission limitations, monitoring, recordkeeping and reporting requirements.

I appreciate your staff taking the time to speak with Assistant Administrator Gina McCarthy and me on August 26, 2010. I enjoyed the opportunity to speak with your staff about these issues. Collaboration between TCEQ and EPA has resulted in national environmental successes in the past and we believe it will in the future. We are committed to our continued work with TCEQ, the public and Texas businesses in a spirit of partnership to provide every Texan the health protection they deserve.

I hope this is helpful in addressing your concerns. If you have any further questions, please contact me at (214) 665-2100, or your staff may contact Ms. Cynthia Fanning of my staff at (214) 665-2142.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Al Armendariz', with a large, stylized flourish extending from the bottom right.

Al Armendariz
Regional Administrator

Identical Letters Sent To:
Please see page 4

Identical Letters Sent To:

The Honorable Joe Barton
House of Representatives

The Honorable Michael Conaway
House of Representatives

The Honorable John Culberson
House of Representatives

The Honorable Louie Gohmert
House of Representatives

The Honorable Kay Granger
House of Representatives

The Honorable Sam Johnson
House of Representatives

The Honorable Ted Poe
House of Representatives

The Honorable Pete Olson
House of Representatives

AL-12-000-7766

Congress of the United States
Washington, DC 20515

April 27, 2012

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Administrator Jackson:

We are writing today in regard to the comments Region VI Administrator Al Armendariz made regarding his philosophy of enforcement. Specifically, Mr. Armendariz said:

It was kind of like how the Romans used to, you know, conquer villages in the Mediterranean. They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they'd crucify them. Then, you know, that town was really easy to manage for the next few years.

And so you make examples out of people who are in this case not complying with the law. Find people who are not complying with the law and you hit them as hard as you can and make examples out of them. It's a deterrent thing.

I hope that you will agree with us that these comments are beyond the pale. The EPA is not a conquering army, it does not wield dictatorial power, and it certainly was not granted the authority to crucify anyone – metaphorically or not.

We find it hard to believe that any of those facts need clarification, but these comments suggest otherwise.

Mr. Armendariz's statements betray a vindictive culture that is driven by ideology more than it is by science. It is no secret in Texas, the heart of America's oil and gas industry, that the EPA has become a petty, arbitrary, and demagogic organization. It is a sad fall for an institution charged with safeguarding the public.

As director of Region VI, Mr. Armendariz has shown little restraint on putting his "crucifixion strategy" into action. Time and time again, Mr. Armendariz has rushed to publicly proclaim what horrible sin a company has committed. With great fanfare he would "crucify" them in public and hoist them high, for all to see. Only later, when the crowds had left, and only the scientists and jurists remained, did he admit that perhaps he had been a bit too hasty.

There is no more striking example of this than the charges he leveled against Range Resources in 2010 of contaminating two family wells in Parker County, TX. When the *Imminent and Substantial Endangerment Order* was issued, it said the "Agency orders Range Natural Gas Company to stop the contamination of Methane and Other Contaminants into drinking water near multiple residences." Mr. Armendariz went on to say, "We believe these were dangerous situations, it was very alarming. We believe we had to act, and act quickly to preserve the well-being of the families that live in these homes."

He was flat wrong. There was no contamination and his office failed to conduct appropriate or adequate science to support his claims. Eighteen months later, his office quietly withdrew its emergency order.

Mr. Armendariz has not just been content to make examples of oil and gas companies though; he has trained his deterrence efforts on state and local government, as well.

The State of Texas has long had a successful flexible permitting program that the EPA first approved 18 years ago. Yet, upon stepping into office, Mr. Armendariz decided that the state of Texas needed to be given notice, so he invalidated the program and sought to have the EPA act as the permit granter for the state. Again, his efforts were in vain. The Courts ruled decisively against his actions, rebuking him by saying:

...the EPA disapproved the PCP Standard Permit—submitted four and a half years earlier—based on its purported nonconformity with three extra-statutory standards that the EPA created out of whole cloth. Moreover, the EPA did this in the context of a cooperative federalism regime that affords sweeping discretion to the states to develop implementation plans and assigns to the EPA the narrow task of ensuring that a state plan meets the minimum requirements of the Act.

The Court then ordered the EPA to approve the Texas regulations.

These are two examples out of dozens where Mr. Armendariz has allowed his personal views to trump the laws he is charged with carrying out and the science that is supposed to guide him. It is clear that his deep seated biases are hindering his competent management of the office he holds.

As public servants, the power we exercise is not our own, it is on loan to us from the people we serve, the American public. When we use that power in ways that cannot be justified – in Mr. Armendariz's case either through science or under the law – we sow distrust and anger among those we serve.

It is no wonder that the opinions of government is at an all time low – petty bureaucrats like Mr. Armendariz brandish their authority like a weapon, taking joy in intimidating the individuals and companies they oversee.

The men and women who work for oil and gas companies are our constituents, our friends, and our neighbors. They are not criminals in need of deterrence; they are Americans who care deeply about the communities they live and work in.

Not only do energy companies power America, but they are also building our nascent economic recovery. The industry that Mr. Armendariz seeks to deter employs millions of Americans in good, high paying jobs. In some of the hardest hit parts of the country, the energy industry is putting Americans back to work.

Where violations of the law take place and punishment is appropriate, there should be punishment. But, no American should be subject to the spiteful whims of an Administrator who is so blinded by his ideology that had cannot discern the difference between enforcement and crucifixion.

Given the relationship Mr. Armendariz has cultivated with the citizens of Texas, we believe that the EPA and Region VI would be best served if there was a new, less divisive Administrator installed in his place. Mr. Armendariz's conduct and statements have so contaminated the well that his continued service in this office seems likely to be met with increasing hostility and resistance from the very people he is expected to work with and for.

office seems likely to be met with increasing hostility and resistance from the very people he is expected to work with and for.

We are deeply disappointed in not only the statements of Mr. Armendariz, but also the abrasive, hostile posture that his office has struck during his tenure. It is our recommendation that Mr. Armendariz be relieved of his position, effective immediately.

Sincerely,

K. Mitt Long

Pete Sessions

Joe Babin

Blake Farnethold

AMMM

Allen Peen

Lamar Smith

Will M'K-1

Pete Ole

Conan

John Carter TX31

Sony Johnson

Ray Arango

Mr 7 Lby

Bill Green
TX-17

Robert TX-1

Wren Paul RM-2

Ken H. Bonds AZ-2

Ken Fingert-5

Orlando TX-23

Henry Marshall

Jim Cullinan

~~Tim~~ Ray


John Kennedy

Ralph M. Hall

John

Orin Paul



Re: Fw: Ltr to Lisa Jackson re Al Armendariz 
Sven-Erik Kaiser to: Cassandra Eades, Kathy Mims

05/02/2012 09:30 AM

From: Sven-Erik Kaiser/DC/USEPA/US
To: Cassandra Eades/DC/USEPA/US@EPA, Kathy Mims/DC/USEPA/US@EPA

Sandy and Kathy - here's a list of the signers (all the Republican members of the Texas delegation plus Pearce (NM), Franks (AZ) and Steve King (IA).

Barton
Brady
Burgess
Canseco
Carter
Conaway
Culberson
Farenthold
Flores
Gohmert
Granger
Hall
Hensarling
S. Johnson
Marchant
McCaul
Neugebauer
Olson
Paul
Poe
Sessions
L. Smith
Thornberry

Pearce (NM)
Franks (AZ)
King (IA)

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Cassandra Eades Hi Sven: Can you see if you can get us a list of t...

05/01/2012 12:02:47 PM

From: Cassandra Eades/DC/USEPA/US
To: Sven-Erik Kaiser/DC/USEPA/US@EPA
Date: 05/01/2012 12:02 PM
Subject: Re: Fw: Ltr to Lisa Jackson re Al Armendariz

Hi Sven: Can you see if you can get us a list of the signers.

Cassandra (Sandy) Eades
Congressional Correspondence Unit
Room: 4320 ARN, MC: 1301A

AL-12-001-2453

RALPH M. HALL, TEXAS
CHAIRMAN

EDDIE BERNICE JOHNSON, TEXAS
RANKING MEMBER

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6301
(202) 225-6371
www.science.house.gov

July 24, 2012

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 6101A
Washington, D.C. 20460

Dear Administrator Jackson,

As Members of the Committee on Science, Space, and Technology from Texas, we write you in regard to a specific issue related to the Environmental Protection Agency's ("EPA") New Source Performance Standards ("NSPS") rule proposed on March 27, 2012.¹ We are particularly concerned about the consequences the proposed rule may have on facilities designed to recover the energy value of refinery by-products like petroleum coke. Further, as the Committee continues to examine the scientific and technical basis of the proposed rule it is essential that the inclusion of petroleum coke and the decision upon which such inclusion was made be grounded in quality science within the Agency record. We, therefore, request that EPA explain the scientific basis for the treatment of petroleum coke under the proposed rule.

The Regulatory Impact Analysis accompanying the proposed NSPS admitted that the rule "...will result in negligible CO₂ emission changes, energy impacts, quantified benefits, costs, and economic impacts...."² In addition to the broader concern that this proposal is inconsistent with the President's Executive Order 13563 requirement that Agencies, "propose... a regulation only upon a reasoned determination that its benefits justify its costs," the inappropriate inclusion of petroleum coke in the proposal may actually result in greater net carbon emissions, meaning the rule's overall effect would be counterproductive to the stated purpose.

As you may be aware, petroleum coke is a fuel source recycled from the refining process and not extracted for the purpose of fuel use. On a life-cycle basis, therefore, its net contribution to the carbon cycle when used for fuel is minimal. However, if petroleum coke is unused in proposed facilities, such as the Las Brisas Energy Center in Texas, the result can be greater release of

¹ U.S. EPA, Standards for Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units, 77 Fed. Reg. 22392 (April 13, 2012).

² U.S. EPA, Regulatory Impact Analysis for the Proposed Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units, <http://www.epa.gov/ttnecas1/regdata/RIAs/egughgnspproposalria0326.pdf>.

greenhouse gas emissions due to the transport and less-efficient overseas use of locally-produced petroleum coke.

The rule's de facto moratorium on facilities like Las Brisas will have significant implications on electricity generation and reliability in the State of Texas where the need is the greatest. The Electric Reliability Council of Texas forecasts electricity shortages by mid-decade unless new power plants are brought online to meet growing demand.³ Similarly, a report from the Brattle Group predicts a generating capacity shortfall in Texas of 2,500 megawatts as soon as 2014,⁴ raising serious reliability concerns that could be partially addressed by the 1,200 net megawatts of electricity that could be provided by Las Brisas.⁵

We are also troubled that the treatment of petroleum coke and the Las Brisas Energy Center fits within a pattern of Agency disregard for state environmental sovereignty. Following a thorough review, the Texas Commission on Environmental Quality approved a Prevention of Significant Deterioration (PSD) permit for Las Brisas in January 2011. Despite this fact and the tens of millions of dollars invested in the project, EPA arbitrarily excluded Las Brisas from the "transitional sources" that would be exempt from the proposal.

In light of concerns regarding the inclusion of petroleum coke in the proposed NSPS, and the Committee's continued examination of the proposed rule we ask that you provide responses to the following:

1. Please provide any research, memoranda, electronic mail, reports or studies that formed the basis for EPA's conclusion that adding petroleum coke to the rule was consistent with net reductions in carbon emissions. Please include any model runs that incorporated future generation from petroleum coke. Please provide any discussions with technical experts regarding the disposition of petroleum coke in the event such was not recycled for its energy value in power production.
2. The Agency has found no cost associated with the proposed NSPS. Given that the Las Brisas facility is expected to result in \$3.2 billion in investment and thousands of jobs,⁶ please provide the regulatory impact analysis completed by the Agency on petroleum coke-fired power plants deemed "potentially affected by NSPS."
3. Please provide a list of any and all interactions between the Agency and other federal and state agencies as well as regional transmission organizations and/or other relevant groups

³ ERCOT, Report on the Capacity, Demand, and Reserves in the ERCOT Region, May 2012, <http://www.ercot.com/content/news/presentations/2012/CapacityDemandReserveReport-2012.pdf>.

⁴ The Brattle Group, "ERCOT Investment Incentives and Resource Adequacy," June 1, 2012, <http://www.ercot.com/content/news/presentations/2012/Brattle%20ERCOT%20Adequacy%20Review%20-%202012-06-01.pdf>.

⁵ Las Brisas Energy Center, Comments on Proposed NSPS, Docket ID No. EPA-HQ-OAR-2011-0660, June 25, 2012.

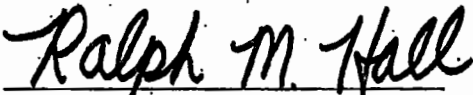
⁶ Mark Drajem, "Texas Power Plant Developer Sees Persecution in Delays from EPA," *Bloomberg*, June 5, 2012; Matthew Tresaugue, "Texas officials grant license to Corpus Christi power plant," *Houston Chronicle*, January 26, 2011; Denise Malan, "Las Brisas Plans Job Fair for Construction Workers," *Corpus Christi Caller Times*, April 23, 2009.

relating to petroleum coke treatment under the proposed NSPS and the Las Brisas facility specifically.


Please provide the written responses by August 24, 2012. If you have any questions, please contact the Subcommittee on Energy and Environment at 202-225-8844.

Thank you for your immediate attention to this matter.


Sincerely,



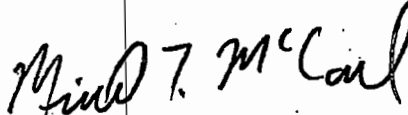
Rep. Ralph M. Hall, Chairman



Rep. Lamar S. Smith



Rep. Randy Neugebauer



Rep. Michael T. McCaul



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 27 2012

OFFICE OF
AIR AND RADIATION

The Honorable Michael T. McCaul
U.S. House of Representatives
Washington, D.C. 20515-6301

Dear Congressman McCaul:

Thank you for your letter of July 24, 2012, to Administrator Lisa Jackson, co-signed by three of your colleagues, expressing your concerns about the U.S. Environmental Protection Agency's Carbon Pollution Standard for New Power Plants. The Administrator asked that I respond to your letter.

You request information regarding the basis for inclusion of petroleum coke in the proposed Carbon Pollution Standard. Petroleum coke is included because it is a fossil fuel used in power plants. When the power plant New Source Performance Standards (NSPS) for conventional pollutants were originally promulgated in 1979, petroleum coke was not considered a conventional fossil fuel. However, by the time the EPA finalized the industrial boiler NSPS in 1987, petroleum coke was recognized as a valuable fuel with characteristics similar to coal and was therefore included in the definition of coal. In the 2011 Mercury and Air Toxics Standards, petroleum coke is considered a fossil fuel. Petroleum coke was also added to the definition of fossil fuel in the recent amendments to the power plant NSPS for conventional pollutants.

Your letter also requests information regarding the analysis, emissions benefit, modeling and cost estimations in the proposal, specifically with respect to petroleum coke. The Regulatory Impact Analysis (RIA) for the proposed Carbon Pollution Standard can be accessed at <http://epa.gov/carbonpollutionstandard/pdfs/20120327proposalRIA.pdf>. The economic analysis of the proposed Carbon Pollution Standard was conducted in compliance with relevant Executive Orders and guidance on economic analysis from the Office of Management and Budget (OMB) and was reviewed by OMB prior to release. The analysis followed standard, peer-reviewed methodologies and provided consistent information about anticipated benefits and costs, ensuring the public would have access to an effective and reliable comparison of benefits and costs. NSPS proposals are based on assumptions regarding the average national cost at representative new facilities. The analysis for the proposed rule does not explicitly consider new units designed to combust waste coal or petroleum coke because they are rarely built and are highly dependent upon specific local factors that are difficult to model. Because of these factors, most energy models, including the Energy Information Administration's National Energy Modeling System, do not consider these technologies for new electricity generation. Although the overall impacts of potential new petroleum coke and coal refuse-fired Electric Generating Units (EGUs) are expected to be small and not fundamentally change the analysis, the EPA's Regulatory Impact Analysis (RIA) specifically solicits additional information on its consideration of these technologies in the analysis. See RIA discussion at page 5-16, 5-17. We will of course consider any timely received comments in finalizing our analysis and the rule.

Your letter requests information regarding why the Las Brisas Energy Center (LBEC) was not listed as a transitional source. In the proposed rule, we proposed to define transitional sources as coal-fired power plants that, by the date of this proposal, have received approval for Prevention of Significant Determination (PSD) preconstruction permits that meet Clean Air Act PSD requirements and that commence construction within a year of the date of the proposal. Because the PSD permit issued to LBEC by the Texas Commission on Environmental Quality did not address GHGs, the EPA did not view LBEC to be a source that has received a complete PSD permit as of the date of the proposed rule. It is important to note that all aspects of the proposed NSPS, including elements of the transitional source category and the inclusion of petroleum coke, were open for public comment. The EPA received over two million comments on the proposed rule.

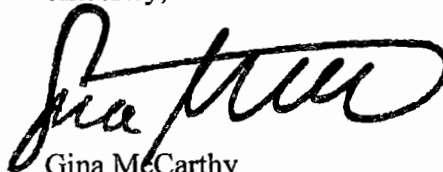
Your letter requests information on interactions between the EPA and other government agencies and relevant groups with regard to the treatment of petroleum coke, and the Las Brisas facility specifically, under the proposed Carbon Pollution Standard. EPA staff have reviewed the docket for the proposed rulemaking and have not identified any relevant responsive documents that discussed either the treatment of petroleum coke or the Las Brisas facility in any detail. As part of the interagency review process for the proposal, the EPA did receive interagency comments through the OMB that included factual clarifying questions with regard to whether fossil fuel-fired combustion units covered by the proposed rule included units fueled by petroleum coke and waste coal and whether certain aspects of the draft RIA included such units. The EPA responded to these interagency comments, which are included in the public docket, through clarifications to the RIA text. In addition, as mentioned earlier, we requested comment on the treatment of petroleum coke and received specific comments from the Las Brisas facility. We will address these comments when issuing the final rule.

Although you state that the Carbon Pollution Standard is a moratorium on new petroleum coke-fired electric generating units, we are aware of at least one example in which industry continues to move forward on such a project. The proposed Hydrogen Energy California integrated gasification combined cycle (IGCC) facility intends to use a mixture of petroleum coke and coal as fuel and would use carbon capture and storage technology consistent with the proposed requirements in the Carbon Pollution Standard.

The EPA recognizes your concern about the importance of maintaining a reliable, affordable energy portfolio and a diverse mix of fuels in providing the nation's electricity, while also ensuring the protection of the environment. We are now beginning the process of sorting through the many comments that we received on this proposed rule and will carefully consider those comments and your concerns as we move towards finalization of the rule.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", written over a horizontal line.

Gina McCarthy
Assistant Administrator

AL-14-001-1070

Congress of the United States
Washington, DC 20515

June 12, 2014

Gina McCarthy
Environmental Protection Agency
Office of the Administrator #1101A
1200 Pennsylvania Ave, NW
Washington, DC 20460

Dear Administrator McCarthy:

At the end of the 111th Congress, a bill sponsored by Congressmen Henry Waxman and Ed Markey that would have instituted a "cap-and-trade" system to regulate carbon emissions was rejected by the United States Senate.

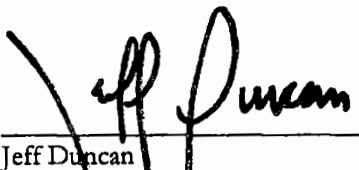
We believe that the proposed draft regulation that your Agency published on Monday, June 2, 2014, entitled "Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units" seeks to achieve exactly what the United States Senate rejected. More importantly, we believe that the authority to limit carbon emissions, even if that were actually a necessity, rests in neither the Constitution nor the Clean Air Act but in the true free market of individual choices made by the American people. When Americans are free to dream and innovate – not coerced by regulators in Washington who will never have exclusive knowledge of science or the newest technologies – we believe they will always find cheaper, cleaner, safer, and more efficient ways to use and produce energy.

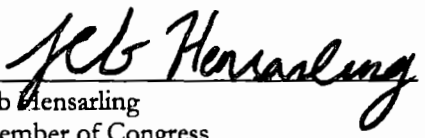
When we try to manage our economy to achieve certain ends, the result is always less innovation and therefore slower economic growth. The American Coalition for Clean Coal Electricity found that regulations with similar goals will cost 178,000 jobs each year for fifteen years. The Heritage Foundation estimates that the effect of this and other unnecessary regulations will decrease aggregate gross domestic product by more than \$2 trillion through 2038, and the average family will lose \$1,200 in annual income by 2023.

In short, Madame Administrator, we believe this carbon dioxide regulation – whose implementation is legally questionable at best – would do untold harm to the American people and our economy for decades to come.

We demand that you immediately rescind this unwise and unconstitutional regulation. We eagerly await your written response.

Blessings and Liberty,

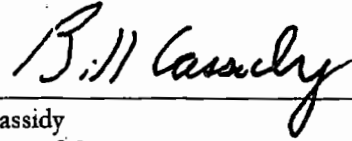

Jeff Duncan
Member of Congress


Jeb Hensarling
Member of Congress

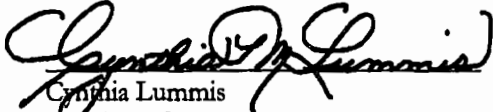
Congress of the United States
Washington, DC 20515



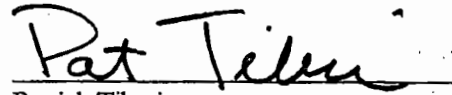
Jack Kingston
Member of Congress



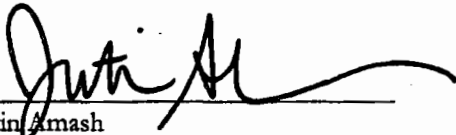
Bill Cassidy
Member of Congress



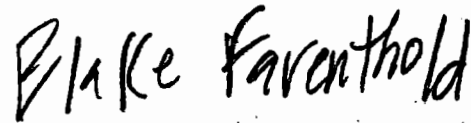
Cynthia Lummis
Member of Congress



Patrick Tiberi
Member of Congress



Justin Amash
Member of Congress



Blake Farenthold
Member of Congress



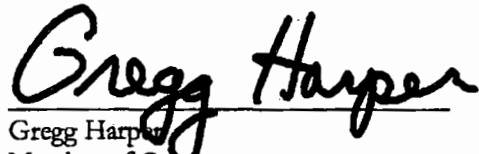
Tim Huelskamp
Member of Congress



Marsha Blackburn
Member of Congress



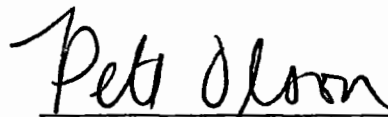
Todd Rokita
Member of Congress



Gregg Harper
Member of Congress



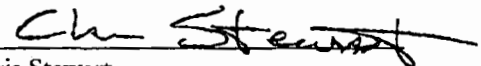
Brett Guthrie
Member of Congress



Pete Olson
Member of Congress

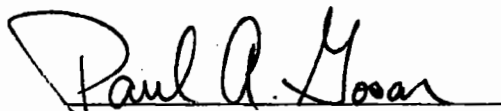


Vance McAllister
Member of Congress

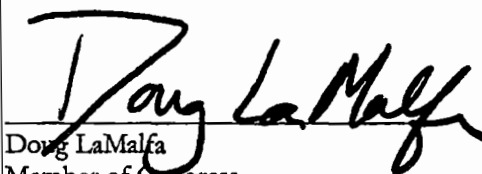


Chris Stewart
Member of Congress

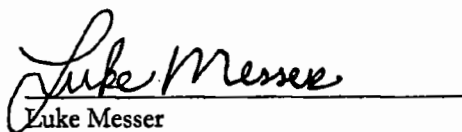
Congress of the United States
Washington, DC 20515



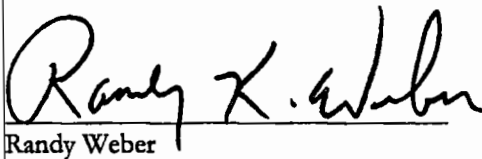
Paul Gosar
Member of Congress



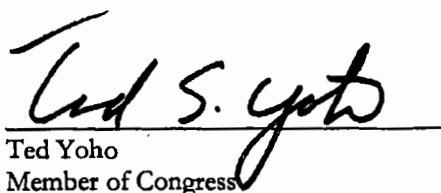
Doug LaMalfa
Member of Congress



Luke Messer
Member of Congress



Randy Weber
Member of Congress



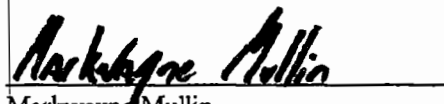
Ted Yoho
Member of Congress



Doug Collins
Member of Congress



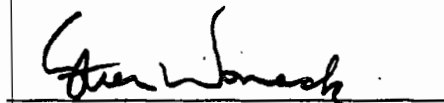
Steve Stivers
Member of Congress



Markwayne Mullin
Member of Congress



Stephen Fincher
Member of Congress



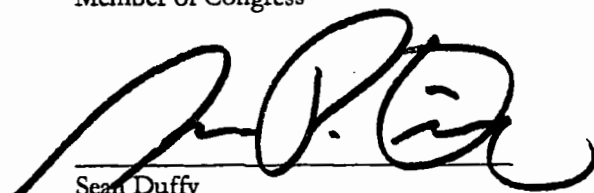
Steve Womack
Member of Congress



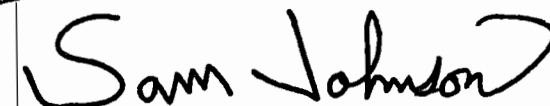
David Schweikert
Member of Congress



Mick Mulvaney
Member of Congress


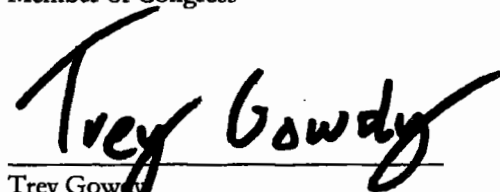
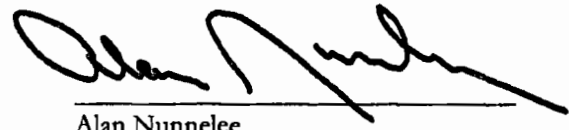

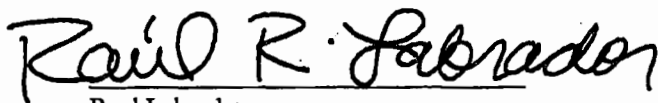
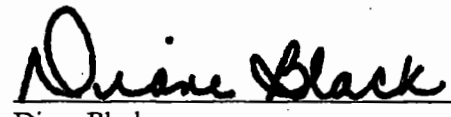


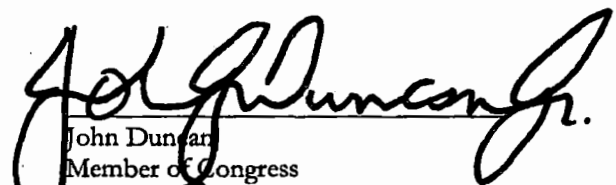

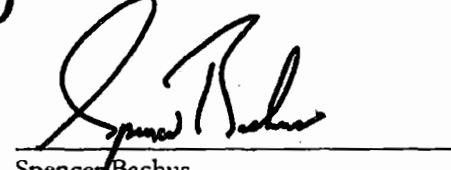


Sean Duffy
Member of Congress

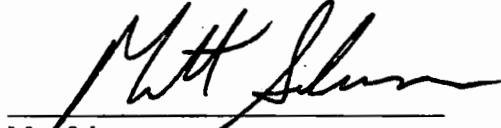


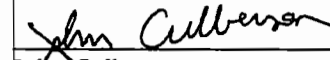
Sam Johnson
Member of Congress


Congress of the United States
Washington, DC 20515

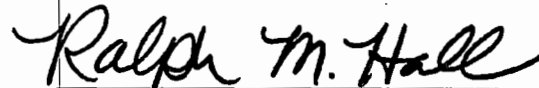

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Tim Griffin
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Trey Gowdy
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Alan Nunnelee
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Charles Boustany
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Billy Long
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Bill Johnson
Member of Congress
Howard Coble
Member of Congress
John Duncan
Member of Congress
Joe Wilson
Member of Congress
Spencer Bachus
Member of Congress


Congress of the United States
Washington, DC 20515

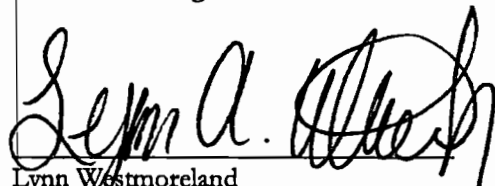

Matt Salmon
Member of Congress



John Culberson
Member of Congress


Steve Chabot
Member of Congress



Ralph Hall
Member of Congress

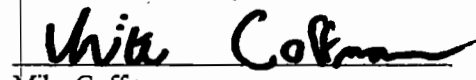

Michele Bachmann
Member of Congress

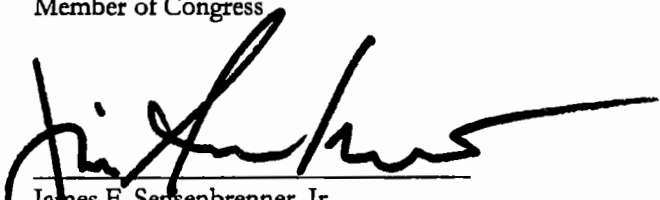

Lynn Westmoreland
Member of Congress



Thomas Massie
Member of Congress


Trent Franks
Member of Congress


Paul C. Broun, M.D.
Member of Congress


Mike Coffman
Member of Congress


James F. Sensenbrenner, Jr.
Member of Congress


Bob Goodlatte
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 11 2014

OFFICE OF
AIR AND RADIATION

The Honorable Michael T. McCaul
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McCaul:

Thank you for your letter of June 12, 2014, to the U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for Existing Power Plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions.

The Clean Power Plan aims to cut energy waste and leverage cleaner energy sources by doing two things. First, it uses a national framework to set achievable state-specific goals to cut carbon pollution per megawatt hour of electricity generated. Second, it empowers the states to chart their own paths to meet their goals. The proposal builds on what states, cities and businesses around the country are already doing to reduce carbon pollution, and when fully implemented in 2030, carbon emissions will be reduced by approximately 30 percent from the power sector across the United States when compared with 2005 levels. In addition, we estimate the proposal will cut the pollution that causes smog and soot by 25 percent, avoiding up to 100,000 asthma attacks and 2,100 heart attacks by 2020.

Before issuing this proposal, the EPA heard from more than 300 stakeholder groups from around the country to learn more about what programs are already working to reduce carbon pollution. These meetings, with states, utilities, labor unions, nongovernmental organizations, consumer groups, industry, and others, reaffirmed that states are leading the way. The Clean Air Act provides the tools to build on these state actions in ways that will achieve meaningful reductions and recognizes that the way we generate power in this country is diverse, complex and interconnected.

We appreciate your views about the effects of the proposal. As you know, we are currently seeking public comment on the proposal, and we encourage you and all interested parties to provide us with detailed comments on all aspects of the proposed rule. The public comment period will remain open for 120 days, until October 16, 2014. We have submitted your letter to the rulemaking docket, but additional comments can be submitted via any one of these methods:

- Federal eRulemaking portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- E-mail: A-and-R-Docket@epa.gov. Include docket ID number HQ-OAR-2013-0602 in the subject line of the message.
- Fax: Fax your comments to: 202-566-9744. Include docket ID number HQ-OAR-2013-0602 on the cover page.
- Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode 28221T, Attention Docket ID No. OAR-2013-0602, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
- Hand Delivery or Courier: Deliver your comments to: EPA Docket Center, Room 3334, 1301 Constitution Ave., NW, Washington, DC, 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or at (202) 564-2095.

Sincerely,



Janet G. McCabe
Acting Assistant Administrator

AL-15-001-3597

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

August 31, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

On December 17, 2014, the U.S. Environmental Protection Agency (EPA) issued its proposed rule for ozone National Ambient Air Quality Standards (NAAQS). The proposed rule would set more stringent standards, lowering the primary standard from the current 75 parts per billion (ppb) to a range of 65 to 70 ppb. If enacted, this rule is likely to be the costliest rule EPA has ever proposed.¹

We are concerned that EPA may not have properly analyzed the underlying scientific issues that have been raised since the official comment period for the rule has closed. These issues include serious concerns raised about background ozone and the reliance on a single study as the basis for setting the proposed standard. The American people deserve a thorough and complete analysis of this proposed rule.

The Committee is concerned about the impact of background ozone on the attainability of EPA's proposed ozone standard across the entire United States. Background ozone comes from both natural sources and foreign emission sources.² As EPA admits its proposed rule:

[T]here is no question that, as the levels of alternative prospective standards are lowered, background will represent increasingly larger fractions of total O₃ levels and may subsequently complicate efforts to attain these standards.³

¹ <http://www.nam.org/Newsroom/Press-Releases/2015/02/NAM--Proposed-Ozone-Rule-Still-The-Most-Costly/>

² <http://www.asl-associates.com/natural.htm>

³ Federal Register, Vol. 79, No. 242 75383

In testimony before the Committee and in response to follow-up questions from Committee Members, Dr. Allen Lefohn, an expert on ozone and a past Executive Editor of the journal *Atmospheric Environment*, indicated that the large amount of emission reductions required to meet EPA's proposed lower ozone standard highlights the importance of background ozone levels throughout the U.S.⁴ Dr. Lefohn also noted that ozone formed from background sources across the U.S. predominates during the spring months when anthropogenic sources have a much smaller impact.⁵ We are concerned about modeling results that indicate that exceedances of the proposed ozone standard will occur during the springtime, even when emissions are dramatically reduced across the U.S.⁶ EPA's recent proposal⁷ to extend the ozone-monitoring period to include the month of March will identify violations of the proposed standard that are associated with uncontrollable factors, which is especially concerning.⁸ Furthermore, the locations affected by the aforementioned monitoring season change can appear anywhere across the U.S., creating compliance issues for the entire country, not exclusively limited to the western U.S.⁹

In addition to concerns related to background ozone, the Committee notes that EPA's proposed rule places the greatest weight on controlled human exposure studies, citing significant uncertainties with epidemiologic studies:

[T]he effects reported in controlled human exposure studies are due solely to O₃ exposures, and interpretation of study results is not complicated by the presence of co-occurring pollutants or pollutant mixtures (as is the case in epidemiologic studies). Therefore, she places the most weight on information from these controlled human exposure studies.¹⁰

Of these human exposure studies, however, it appears that only *one* controlled human exposure study, published in 2009 by Schelegle et al., shows effects that may be considered adverse at ozone concentrations below the current standard.¹¹ The Schelegle study found small, reversible impacts at ozone concentrations roughly equivalent to 72 ppb.¹² EPA's proposed rule notes that controlled human exposure studies at lower ozone concentrations (60 and 63 ppb) "did not show statistically significant increases in respiratory symptoms compared to filtered air controls."¹³

⁴ <http://docs.house.gov/meetings/SY/SY00/20150317/103159/HHRG-114-SY00-Wstatc-LefohnA-20150317.pdf>

⁵ H. Comm. on Science, Space and Technology, *Reality Check: The Impact and Achievability of EPA's Proposed Ozone Standards*, 114th Congress (Mar. 17, 2015), Questions for the Record, Dr. Allen Lefohn

⁶ Ibid

⁷ <http://www.epa.gov/ttn/naaqs/standards/ozone/data/Rice-2014-O3MonitoringSeasonAnal-EPA-HQ-OAR-2008-0699-0383.pdf>

⁸ H. Comm. on Science, Space and Technology, *Reality Check: The Impact and Achievability of EPA's Proposed Ozone Standards*, 114th Congress (Mar. 17, 2015), Questions for the Record, Dr. Allen Lefohn

⁹ Ibid

¹⁰ 75288, Federal Register, Vol. 79, No. 242

¹¹ Schelegle et al., 6.6-Hour Inhalation of Ozone Concentrations from 60 to 87 Parts per Billion in Healthy Humans, *Am J Respir Crit Care Med*. 2009 Aug 1;180(3):265-72.

¹² Ibid

¹³ 75304, Federal Register, Vol. 79, No. 242

Based on this evidence, the proposal states that the Administrator concludes that the controlled human exposure studies "strongly support setting the level of a revised [ozone] standard no higher than 70 ppb."¹⁴

However, the 2009 Schelegle et al. study contains serious deficiencies that were not discussed in the proposed rule. For example, this study does not replicate key results from previous peer-reviewed studies, and another peer-reviewed study¹⁵ has raised questions about the lack of consistency between Schelegle's results and the two studies by Adams et al (2003, 2006).¹⁶

We noted that there was a relative lack of coherence of the 70 and 80 ppb experiments reported by Schelegle et al. (2009) compared with the other 4 studies, as well as an inconsistency of response by subjects.¹⁷

The Committee is concerned with such a heavy reliance on one potentially flawed study as basis for EPA's proposed rule, and believes that these concerns warrant further deliberation before EPA finalizes the rule.

The aforementioned concerns raise many questions about the necessity and validity of enacting a new, more stringent ozone NAAQS rule. In order to assist the Committee with its oversight, please provide the following documents, in electronic format:

1. All documents and communications referring or relating to EPA's analysis of the influence of background ozone in the springtime on the attainment of a lower ozone standard throughout the entire United States.
2. All documents and communications referring or relating to EPA's analysis of the relationship between background ozone and the anthropogenic emissions reductions that will be required during both the summer and the spring to attain the proposed lower standards.
3. All documents and communications referring or relating to any plan or strategy to address the influence of background ozone on the attainment of a lower ozone standard.
4. All documents and communications referring or relating to EPA's analysis of estimates for mortality and morbidity health risk that were influenced by background ozone and also by anthropogenic sources, as ozone emissions are reduced.

¹⁴ 75304, Federal Register, Vol. 79, No. 242

¹⁵ Lefohn AS, Hazucha MJ, Shadwick D, Adams WC., "An alternative form and level of the human health ozone standard", *Inhal Toxicol*. 2010 Oct;22(12):999-1011

¹⁶ Adams W.C. Comparison of chamber 6.6-h exposures to 0.04-0.08 ppm ozone via square-wave and triangular profiles on pulmonary responses. *Inhal Toxicol* 2006;18:127-136

Adams W.C. Comparison of chamber and face-mask 6.6-hour exposure to 0.08 ppm ozone via square-wave and triangular profiles on pulmonary responses. *Inhal Toxicol* 2003;15:265-281

¹⁷ Lefohn AS, Hazucha MJ, Shadwick D, Adams WC., "An alternative form and level of the human health ozone standard", *Inhal Toxicol*. 2010 Oct;22(12):999-1011


5. All documents and communications referring or relating to EPA's analysis of the influence of background ozone and anthropogenic sources on lung function risk estimates.
6. All documents and communications referring or related to the 2009 Schelegle et al. study.
7. All documents and communications between EPA and the Office of Management and Budget (OMB) regarding background ozone issues and the 2009 Schelegle et al study.
8. All documents and communications between EPA and outside groups referring or related to the 2009 Schelegle et al study.


Because the rule must be finalized by October 1, 2015, please provide responses as soon as possible, but no later than 5:00 p.m. on Monday, September 14, 2015. When producing documents to the Committee, please deliver production sets to the following locations:

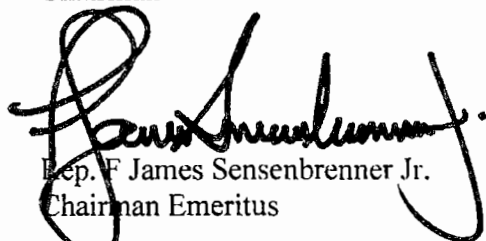
- Majority Staff of the House Science Committee in Room 2321 of the Rayburn House Office Building
- Minority Staff of the House Science Committee in Room 394 of the Ford House Office Building


If you have any questions about this request, please contact Richard Yamada or Joe Brazauskas of the Science, Space, and Technology Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,

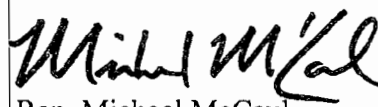

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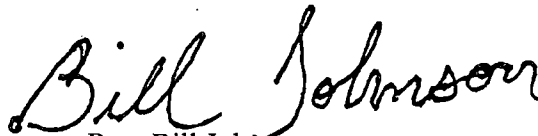

Rep. Michael McCaul
Member of Congress



Rep. Mo Brooks
Member of Congress



Rep. Jim Bridenstine
Chairman
Subcommittee on Environment



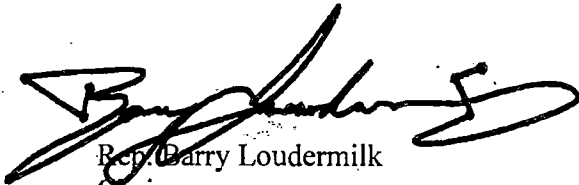
Rep. Bill Johnson
Member of Congress



Rep. Steve Knight
Member of Congress



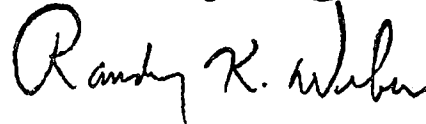
Rep. Bruce Westerman
Member of Congress



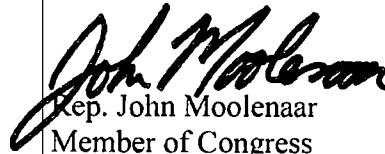
Rep. Garry Loudermilk
Chairman
Subcommittee on Oversight



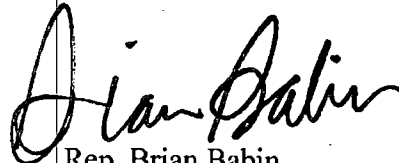
Rep. Randy Hultgren
Member of Congress



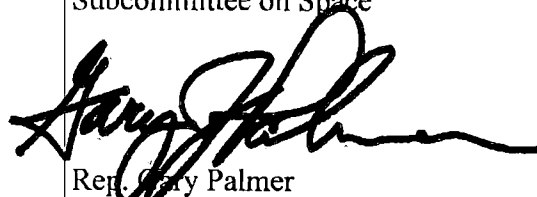
Rep. Randy Weber
Chairman
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Rep. John Moolenaar
Member of Congress



Rep. Brian Babin
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Rep. Ralph Lee Abraham
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